



ORDINANCES
OF
THE PROVINCE OF TRANSVAAL
1930

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AN ORDINANCE

Ord. No. 1
of 1930.

To apply a further sum of money towards the Service of the Province of Transvaal during the year ended on the 31st March, 1928, to defray certain Unauthorised Expenditure.

(Assented to 19th March, 1930.)

(Date of operation, 26th March, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. The Provincial Revenue Fund is hereby charged with the sum of fifteen thousand one hundred and twenty-six pounds seven shillings and sixpence to meet certain expenditure over and above the amounts appropriated for the Service of the Province for the year ended on the 31st day of March, 1928. Such expenditure is set forth in the Schedule to this Ordinance and will be found more particularly specified on page 21 of the Report of the Provincial Auditor of Accounts for the year 1927-1928 and in the Report of the Select Committee on Public Accounts No. T.P.S.C. 1 of 1929.

Provincial
Revenue
Fund
charged
with
£15,126. 7s.
6d.

2. The Roads Fund Account is hereby charged with the sum of four thousand four hundred and ninety-eight pounds sixteen shillings and eleven pence to meet certain expenditure over and above the amounts appropriated for the year ended on the 31st day of March, 1928. Such expenditure is set forth in the Schedule to this Ordinance and will be found more particularly specified on page 22 of the Report of the Provincial Auditor of Accounts for the year 1927-1928 and in the Report of the Select Committee on Public Accounts No. T.P.S.C. 1 of 1929.

Roads
Fund
charged
with
£4,498. 16s.
11d.

3. This Ordinance may be cited for all purposes as the Unauthorised Expenditure (1927-1928) Ordinance, 1930.

Short title.

Schedule.		
Number of Vote.	Service.	Amount.
		£ s. d.
1	For expenses in respect of General Administration.....	2,614 1 10
2	For salaries and expenses in respect of Education.....	8,560 16 9
3	For expenses in respect of Hospitals and Charitable Institutions.....	1,153 18 9
4	For expenses in respect of Roads, Bridges and Local Works.....	2,797 10 2
	£	15,126 7 6
	Roads Fund.....£	4,498 16 11

Ord. No. 2
of 1930.

AN ORDINANCE

To apply a further sum of money not exceeding £109,559 for the service of the Province of Transvaal for the period from the 1st day of April, 1929, to the 31st day of March, 1930.

(Assented to 19th March, 1930.)

(Date of operation, 26th March, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Provincial Revenue Fund charged with £109,559.

1. The Provincial Revenue Fund of Transvaal is hereby charged towards the services of the said Province for the period from the 1st day of April, 1929, to the 31st March, 1930, both days inclusive, with a further sum not exceeding one hundred and nine thousand five hundred and fifty-nine pounds in addition to the sums provided for by the Appropriation (1929-1930) Ordinance, 1929.

How money is to be applied.

2. The money granted by this Ordinance shall be applied to the purposes and for the services expressed in the schedule annexed hereto according to the Votes and Sub-heads particularly specified and set forth in the Estimates of Additional Appropriation for the said period as approved of by the Provincial Council.

Short title.

3. This Ordinance may be cited for all purposes as the Additional Appropriation (1929-1930) Ordinance, 1930.

Schedule.

Ord. No. 2
 of 1930.

Number of Vote.	Service.	Amount.
		£
1	General Administration.....	239
2	Education.....	307
3	Hospitals and Charitable Institutions.....	3,220
5	Miscellaneous Services.....	593
7	Capital Expenditure :—	
	E. Unemployment.....	20,650
	G. Special Grant from Union Government for Road Construction.....	82,000
	J. Grants-in-Aid—Warmbaths Board of Trustees.....	2,550
		£ 109,559

AN ORDINANCE

Ord. No. 3
 of 1930.

To apply a sum not exceeding £400,000 on Account for the service of the Province of Transvaal during the Year ending on the 31st day of March, 1931.

(Assented to 19th March, 1930.)

(Date of operation, 26th March, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows :—

1. On and after the 1st day of April, 1930, there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of four hundred thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1931, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

Ord. No. 3
of 1930.

Issues
under this
Ordinance
to be
deemed
advances
in
anti-
pation.

2. All sums issued under the provisions of this Ordinance shall be deemed to be advances on account of grants to be made in an Appropriation Ordinance for the year ending the thirty-first day of March, 1931, and immediately on the commencement of such Appropriation Ordinance, this Ordinance shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Ordinance, and shall be accounted for in accordance with the provisions thereof; provided that no services upon which expenditure has not been incurred during the financial year ending the thirty-first day of March, 1930, or for which there is no statutory authority shall be deemed to be authorized under this Ordinance.

Short title

3. This Ordinance may be cited for all purposes as the Appropriation (Part 1930-1931) Ordinance, 1930.

Ord. No. 4
of 1930.

AN ORDINANCE

To Restrict, Supervise, and Regulate Trading by
Hawkers and Pedlars.

(Assented to 19th March, 1930.)

(Date of operation, 26th March, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of
Transvaal as follows:—

Definitions.

1. In this Ordinance—

“hawker” means any person who, whether as principal agent or employee carries on, under a licence duly issued to him in terms of the Licences Consolidation Act, 1925, or any amendment thereof, the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods, and for that purpose travels about from place to place with goods on any vehicle (other than a vehicle propelled by himself) or with a pack animal or carrier; but does not include any person as aforesaid who hawks fresh fruit or vegetables and no other goods or any person mentioned in the exemp-

tions under item 12 Hawker of the Second Schedule to the said Act as amended by section *three (a)* of the Licences (Amendment) Act, 1927;

**Ord. No. 4
of 1930.**

“municipality” means the area placed under the control and jurisdiction of a city council or of a town council or of a village council or of a health committee constituted under the Local Government Ordinance, 1926;

“pedlar” means any person who, whether as principal, agent, or employee carries on, under a licence duly issued to him in terms of the Licences Consolidation Act, 1925, or any amendment thereof, the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels from place to place either on foot or with a vehicle propelled by himself; but does not include any person as aforesaid who peddles fresh fruit or vegetables and no other goods or any person mentioned in the exemptions under item 19 Pedlar of the Second Schedule to the Licences Consolidation Act No. 32 of 1925 as amended by section *three (b)* of the Licences (Amendment) Act, 1927.

2. On and after the date of the commencement of this Ordinance it shall not be lawful for any person to carry on the business of a hawker or pedlar at any place outside a municipality being within one mile of the place of business of any person who is the holder of a licence issued under the provisions of the Licences Consolidation Act, 1925, and any amendment thereof authorizing such person to carry on the trade of a general dealer. Any person who carries on trade or business in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50 or in default of payment to undergo imprisonment without hard labour for a period not exceeding three months. ^{Restriction as to place.}

3. The Hawkers and Pedlars Ordinance, ^{Repeal.} 1928, shall be and is hereby repealed.

4. This Ordinance may be cited for all purposes as the Hawkers and Pedlars Ordinance, 1930. ^{Short title}

Ord. No. 5
of 1930.

AN ORDINANCE

To apply a further sum not exceeding £300,000 on Account
for the Service of the Province of Transvaal during
the Year ending on the 31st day of March, 1931.

(Assented to 2nd May, 1930.)

(Date of operation, 7th May, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of
Transvaal as follows:—

£300,000
may be
issued out
of the
Provincial
Revenue
Fund. **1.** On and after the first day of April 1930 there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of three hundred thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1931, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

Issues
under this
Ordinance
to be
deemed
advances
in
anticipa-
tion. **2.** All sums issued under the provisions of this Ordinance shall be deemed to be advances on account of grants to be made in an Appropriation Ordinance for the year ending the thirty-first day of March, 1931, and immediately on the commencement of such Appropriation Ordinance, this Ordinance shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Ordinance, and shall be accounted for in accordance with the provisions thereof; provided that no services upon which expenditure has not been incurred during the financial year ending the thirty-first day of March, 1930, or for which there is no statutory authority shall be deemed to be authorized under this Ordinance.

Short
title. **3.** This Ordinance may be cited for all purposes as the Second Appropriation (Part 1930-1931) Ordinance, 1930.

AN ORDINANCE

To Provide for the Construction and Maintenance of Provincial Roads in Municipalities.

Ord. No. 6
of 1930.

(Assented to 2nd May, 1930.)

(Date of operation, 7th May, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. In this Ordinance unless some other ^{Definitions} meaning is clearly intended— _{of terms.}

“ Administrator ” means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, or any amendment thereof acting on the authority of the Executive Committee of the Province;

“ local authority ” means a city council or a town council or a village council or a health committee being a body corporate constituted under the Local Government Ordinance, 1926, or any amendment thereof;

“ main road ” has the same meaning as that given to the expression in the Roads Ordinance, 1912, or any amendment thereof but shall not include any portion of the road known as the Main Reef Road;

“ municipality ” means the area or district placed under the jurisdiction of a local authority;

“ provincial road ” means a road or portion of a road in a municipality which—

- (i) connects up with and is a continuation of a main road outside a municipality; and
- (ii) starts from the boundary of the municipality and ends at a point—approximately where lots, erven or stands in respect of which assessment rates can be levied under any law relating to the levying of rates by local authorities commence; and
- (iii) is determined and described by the Administrator by Proclamation in the *Provincial Gazette* under section *three* of this Ordinance.

Ord. No. 6 of 1930. Application of Ordinance. **2.** The provisions of this Ordinance shall apply to every municipality.

Limits of provincial roads.

3. The Administrator may from time to time by proclamation in the *Provincial Gazette*—

- (a) determine at which point in a municipality a provincial road shall end for the purposes of this Ordinance;
- (b) apply *mutatis mutandis* any provisions of the Roads Ordinance, 1912, or any amendment thereof as he may decide to or in respect of such road.

Vesting of provincial roads.

4. Anything to the contrary in any law notwithstanding the control and management of any provincial road shall vest in the Administrator as from the date of a proclamation under the provisions of the preceding section determining the limits of such road.

Construction and maintenance of provincial roads.

5. (1) The Administrator may from time to time construct, maintain and keep in repair so far as finances will permit any provincial road.

(2) It shall be competent for any local authority to enter into an agreement with the Administrator for the construction and maintenance of a better class of provincial road over a specified length than is proposed to be provided by the Administrator and to contribute from its revenue the estimated difference in the cost of providing such better class of road.

Storm-water.

6. (1) The local authority and not the Administrator shall be responsible for the disposal of all stormwater which may leave a provincial road at any point, shall make adequate provision for such disposal to the satisfaction of the Administrator, and shall be responsible for any expenditure incurred in connection therewith.

(2) The Administrator shall not be liable for any damage whatsoever caused by or from such stormwater.

Amendment of section 1 of Ordinance No. 19 of 1927.

7. The definition of "provincial road" in section *one* of the Roads Fund Ordinance, 1927, shall be and is hereby deleted and the following new definition shall be substituted therefor:—

"Provincial road" shall mean any public road as defined in the Roads Ordinance,

1912, which has been proclaimed as such by the Administrator and any provincial road proclaimed as such under section *three* of the Provincial Roads in Municipalities Ordinance, 1930, and any amendment thereof.

Ord. No. 6
of 1930.

8. This Ordinance may be cited for all purposes as the Provincial Roads in Municipalities Ordinance, 1930.

AN ORDINANCE

Ord. No. 7
of 1930.

To provide for the Control and Management of Places
of Public Resort.

(Assented to 2nd June, 1930.)

(Date of operation, 9th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of
Transvaal as follows:—

1. In this Ordinance—

Defini-
tions.

“ Administrator ” means the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act 1909 or any amendment thereof acting on the advice and with the consent of the Executive Committee of the Province;

“ public resort ” means any place upon Crown land reserved by the Governor-General as being a place of public resort the control and management whereof have been transferred to the Province of Transvaal in terms of section *twelve* (1) (a) and item 5 of the Financial Relations Act 1913 or any amendment thereof but does not include the baths situate on the farm Het Bad No. 832 District Waterberg, commonly known as the Warmbaths.

2. (1) The Administrator may from time to time, make regulations as to all or any of the following matters:—

Regulations
for the
control,
etc., of
places
of public
resort.

- (a) for the control, management, regulation and supervision of public resorts;
- (b) for the establishment, erection construction maintenance and carrying on of baths at public resorts;

**Ord. No. 7
of 1930.**

(c) for the regulation of any such baths, the admission thereto, the charges for such admission, the opening and closing hours, and generally the conditions under which such baths may be used and for preventing persons while suffering from any cutaneous infectious or contagious disease from entering or using any such baths;

(d) for the setting apart of separate baths at public resorts for the use of white persons and of natives or Asiatics or other coloured persons or any persons of any race whatsoever married to or living with natives, Asiatics or coloured persons respectively and restricting the use of such baths to such persons.

(2) Any regulation made by the Administrator hereunder shall be promulgated in the *Provincial Gazette*.

(3) Any person contravening any regulations made hereunder shall be guilty of an offence and liable upon conviction to a fine not exceeding ten pounds or in default of payment of such fine to imprisonment with or without hard labour for a period not exceeding one month.

(4) Any fines paid or recovered in respect of any contravention of any regulations hereunder shall be paid into the Provincial Revenue Fund.

Short Title. **3.** This Ordinance may be cited for all purposes as the Public Resorts Ordinance, 1930.

AN ORDINANCE

Ord. No. 8
of 1930.

To Amend the Local Authorities Roads Ordinance, 1904.

(Assented to 26th June, 1930.)

(Date of operation, 9th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. Section *one* of the Local Authorities Roads Ordinance No. 44 of 1904 (hereinafter referred to as the principal law) shall be and is hereby amended by the deletion of the definition "local authority" and by the substitution therefor of the following new definition:—

Amendment of section 1 of principal law.

"local authority" shall mean a city council or a town council or a village council constituted under the Local Government Ordinance, 1926, or any amendment thereof.

2. Section *four* of the principal law shall be and is hereby amended by the deletion of the words "three successive issues of".

Amendment of section 4 of principal law.

3. Paragraph (a) of section *five* of the principal law shall be and is hereby amended by the deletion of the word "eight", wherever it occurs and by the substitution therefor of the word "three".

Amendment of section 5 of principal law.

4. Section *seven* of the principal law shall be and is hereby amended by the deletion of the words "*thirty-four* of the Municipal Corporations Ordinance, 1903," and by the substitution therefor of the words "*sixty-two* of the Local Government Ordinance, 1926".

Amendment of section 7 of principal law.

5. Sub-section (1) of section *one hundred and forty-three* of the Local Government Ordinance, 1926, shall be and is hereby amended by the deletion therefrom of paragraph (c).

Amendment of section 143 of Local Government Ordinance, 1926.

6. This Ordinance may be cited for all purposes as the Local Authorities Roads Amendment Ordinance, 1930.

Short title.

Ord. No. 9
of 1930.

AN ORDINANCE

To amend the Warmbaths (Control and Management) Ordinance, 1929, in certain respects.

(Assented to 26th June, 1930.)
(Date of operation, 9th July, 1930.)
(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amendment of section 2 of principal law. **1.** Sub-section (2) of section *two* of the Warmbaths (Control and Management) Ordinance, 1929 (hereinafter referred to as the principal law) shall be and is hereby amended by the deletion therefrom of the words “and one of those members shall be a member of the Executive Committee of the Province.”

Amendment of section 12 of principal law. **2.** Section *twelve* of the principal law shall be and is hereby amended as follows:—

(1) by the insertion in sub-section (7) after the words “coloured persons” of the words “or any persons of any race whatsoever married to or living with natives, Asiatics or coloured persons”;

(2) by the addition to sub-section (8) of the following words:—

“provided that no person may be appointed hereunder who is a member of the board or who has been such a member during the preceding six months.”

(3) by the addition thereto of the following new sub-section:—

“(13) with the consent of the Executive Committee pay from its revenue to members of the board such allowances as it may determine.”

Short title. **3.** This Ordinance may be cited for all purposes as The Warmbaths (Control and Management) Amendment Ordinance, 1930.

AN ORDINANCE

Ord. No.
10 of 1930.

To apply a further sum not exceeding £450,000 on Account for the Service of the Province of Transvaal during the Year ending on the 31st day of March, 1931.

(Assented to 26th June, 1930.)

(Date of operation, 9th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. On and after the first day of April 1930 there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of four hundred and fifty thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1931, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

2. All sums issued under the provisions of this Ordinance shall be deemed to be advances on account of grants to be made in an Appropriation Ordinance for the year ending the thirty-first day of March, 1931, and immediately on the commencement of such Appropriation Ordinance, this Ordinance shall cease to have effect and issues already made thereunder shall be deemed to be issues under that Appropriation Ordinance, and shall be accounted for in accordance with the provisions thereof; provided that no services upon which expenditure has not been incurred during the financial year ending the thirty-first day of March, 1930, or for which there is no statutory authority shall be deemed to be authorized under this Ordinance.

3. This Ordinance may be cited for all purposes as the Third Appropriation (Part 1930-1931) Ordinance, 1930.

Ord. No.
11 of 1930.

AN ORDINANCE

To amend the Vermin Destruction Ordinance, 1925, in certain respects.

(Assented to 22nd July, 1930.)

(Date of operation, 13th August, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
Section 1
of principal
law.

1. The definition of “vermin club” in section *one* of the Vermin Destruction Ordinance, 1925 (hereinafter referred to as the principal law) shall be and is hereby amended by the insertion after the words “body of” of the word “white”.

Amend-
ment of
Section 11
of principal
law.

2. Section *eleven* of the principal law as amended by section *five* of Ordinance No. 5 of 1928 shall be and is hereby amended by the addition thereto of the following new sub-section:—

“ (4) for empowering any magistrate, receiver of revenue or police officer to demand and inspect books and documents belonging to any vermin club.”

Short title. 3. This Ordinance may be cited for all purposes as the Vermin Destruction Amendment Ordinance, 1930.

Ord. No.
12 of 1930.

AN ORDINANCE

To Validate the action of the Returning Officer for the Lichtenburg School Board Election in fixing a certain date for the taking of a Poll.

(Assented to 22nd July, 1930.)

(Date of operation, 13th August, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Validation
of action of
returning
officer.

1. (1) Anything to the contrary in section *forty-three* of the Education Act, 1907, notwithstanding, the action of the returning officer appointed for the school district of

LICHTENBURG SCHOOL BOARD ELECTION, 1930,
VALIDATION.

FOURTH APPROPRIATION (PART 1930-1931). 15

Lichtenburg by Administrator's Notice No. 244 dated 16th April, 1930, in fixing the twenty-fifth day of July, 1930, as the date upon which a poll shall be taken for the purposes of electing in accordance with the provisions of the said section members of the Lichtenburg School Board shall be and is hereby validated.

Ord. No.
12 of 1930.

(2) The persons declared by the returning officer to be elected on the date fixed as aforesaid shall for all purposes be deemed to have been duly elected as members of the said Board.

2. This Ordinance may be cited for all purposes as the Lichtenburg School Board Election 1930 Validation Ordinance, 1930. Short title.

AN ORDINANCE

Ord. No.
13 of 1930.

To apply a further sum not exceeding £350,000 on account for the Service of the Province of Transvaal during the Year ending on the 31st day of March, 1931.

(Assented to 14th July, 1930.)

(Date of operation, 30th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. On and after the first day of April 1930 there may be issued out of the Provincial Revenue Fund such sums of money not exceeding in the aggregate the sum of three hundred and fifty thousand pounds as may from time to time be required for the service of the Province in respect of the year ending on the 31st day of March, 1931, until such time as provision is made therefor by the Council in an Appropriation Ordinance.

£350,000 may be issued out of the Provincial Revenue Fund.

Ord. No.
13 of 1930.

Issues
under this
Ordinance
to be
deemed
advances
in
anticipa-
tion.

2. All sums issued under the provisions of this Ordinance shall be deemed to be advances on account of grants to be made in an Appropriation Ordinance for the year ending the thirty-first day of March, 1931, and immediately on the commencement of such Appropriation Ordinance, this Ordinance shall cease to have effect and issues already made thereunder shall be deemed to be issues under that Appropriation Ordinance, and shall be accounted for in accordance with the provisions thereof; provided that no services upon which expenditure has not been incurred during the financial year ending the thirty-first day of March, 1930, or for which there is no statutory authority shall be deemed to be authorized under this Ordinance.

Short
title.

3. This Ordinance may be cited for all purposes as the Fourth Appropriation (Part 1930-1931) Ordinance, 1930.

Ord. No.
14 of 1930.

AN ORDINANCE

To Amend the General Dealers (Control) Ordinance, 1926.

(Assented to 12th July, 1930.)

(Date of operation, 30th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
section
5 of
principal
law.

1. Sub-section (1) of section *five* of the General Dealers (Control) Ordinance 1926 (hereinafter referred to as the principal law) as amended by section *three* of Ordinance No. 10 of 1927 shall be and is hereby amended by the insertion after the words “ applied for such certificate ” of the following proviso:—

“ provided that where the certificate applied for is for a renewal of the same class of licence and for the same class of business in respect of the same premises for which the same applicant has held a licence during the preceding year, it shall not be necessary for such notice to be inserted in the *Provincial Gazette*.”

2. Section *seven* of the principal law as amended by section *five* of Ordinance No. 10 of 1927 shall be and is hereby amended by the addition thereto of the following new sub-section the said section as originally enacted to become sub-section (1) thereof:—

Amendment of section 7 of principal law.

Ord. No.
14 of 1930.

“(2) The local authority or the board, as the case may be, shall publish a notice in a newspaper circulating within its area of jurisdiction on a date during the week ending the fifth day of December in each and every year to the effect that objections to the granting of any certificate for renewals of general dealers’ licences shall be lodged with the local authority or board as the case may be within a period of ten days from the date of such notice.”

3. This Ordinance may be cited for all purposes as the General Dealers (Control) Amendment Ordinance, 1930.

Short title.

AN ORDINANCE

Ord. No.
15 of 1930.

To Amend the Local Government Ordinance, 1926,
in certain respects.

(Assented to 12th July, 1930.)
(Date of operation, 6th August, 1930.)
(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. The definition of “street-trading” in section *two* of the Local Government Ordinance 1926 (hereinafter referred to as the principal law) shall be and is hereby amended by the deletion therefrom of the words “matches, flowers and other articles.”

Amendment of definition of “street-trading” in section two of principal law.

2. Section *thirty-three* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section:

Amendment of section thirty-three of principal law.

“(4) The fee prescribed by the Council either under sub-section (1) or sub-section (3) of this section shall not exceed two shillings and sixpence per printed typed or written foolscap page.”

Ord. No.
15 of 1930.

Amend-
ment of
section
thirty-nine
of principal
law.

3. Sub-section (2) of section *thirty-nine* of the principal law shall be and is hereby amended by the deletion therefrom of the word " wife " wherever it occurs and by the substitution therefor of the word " spouse."

Amend-
ment of
section
forty-one (1)
of principal
law.

4. Sub-section (1) of section *forty-one* of the principal law shall be and is hereby amended by the deletion therefrom of the word " wife " and by the substitution therefor of the word " spouse."

Amend-
ment of
section
fifty-eight
of principal
law.

5. Sub-section (4) of section *fifty-eight* of the principal law as amended by section *one* of Ordinance No. 20 of 1928 shall be and is hereby amended by the insertion after the words " provincial secretary " of the words:

" or, in the case of a council which has appointed an additional auditor or auditors in terms of section *one hundred and fifty-five* (1), from such auditor or auditors."

Amend-
ment of
section
sixty-one
of principal
law.

6. Section *sixty-one* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section:—

" (3) No officer or servant appointed hereunder shall perform or engage himself to perform remunerative work outside the municipal service without the special permission of the council first had and obtained. Such permission shall be granted by a resolution of the council and may be made subject to any such conditions as the council may deem fit to impose."

Repeal of
section
seventy-five
of principal
law.

7. Section *seventy-five* of the principal law shall be and is hereby repealed.

Amend-
ment of
section
seventy-nine
of principal
law.

8. Section *seventy-nine* of the principal law shall be and is hereby amended as follows:—

(1) By the addition to sub-section (18) of the following new paragraph (*d*):—

" (*d*) that in selling or leasing any immovable property the Council may, with the consent of the Administrator, make provision in the conditions of sale or lease as to the style, class or value of buildings to be erected thereon, and for

restricting the use of such property solely to the purpose of residence or business, and for restricting the ownership or occupation thereof or both to and for prohibiting the ownership or occupation thereof or both by Europeans, coloured persons, Asiatics or natives or persons of any one or more of such classes, and may insert in the title-deeds or leases of any such property the conditions necessary to give full force and effect to such provisions and restrictions.”

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- (2) By the addition thereto of the following new sub-section :—

“(51) erect, construct, maintain and carry on advertising hoardings on property belonging to or vested in the Council and make charges in connection therewith.”

9. Section *eighty* of the principal law shall be and is hereby amended as follows :—

Amendment of section *eighty* of principal law.

- (1) By the addition to sub-section (4) of the following new paragraph the said sub-section as originally enacted to become paragraph (a) thereof :—

“(b) for compelling owners and occupiers to keep their premises clean and free from filth, debris, rubbish, glass, paper, rags, tins, lumber, weeds or undergrowth which in the opinion of the Council is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood.”

- (2) By the addition to paragraph (b) of sub-section (70) as amended by sub-section (3) of section *five* of the Local Government Ordinance 1929 of the following new sub-paragraphs :—

“(vii) for prescribing the times, days and hours at which motor omnibuses shall be permitted to use the streets, the fares to be charged and the time-tables to be observed by the owners of such omnibuses ;

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- (viii) for regulating the relative position in the roadway of traffic of differing speeds or types;
- (ix) for prescribing the places where motor vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by regulation;
- (x) for prescribing the conditions subject to which and the times at which articles may be loaded on to or unloaded from motor vehicles of any particular class or description on any public place;
- (xi) for prescribing rules to be observed as to procedure between motor vehicles proceeding in the same direction or in opposite directions or when crossing;
- (xii) for prescribing rules as to priority of entry of public motor vehicles including tramcars into any main thoroughfare;
- (xiii) for prescribing and establishing automatic traffic signallers for use by day and/or night to regulate traffic at such points as the Council may deem fit and for providing that failure to comply with the directions of such signallers shall constitute an offence under this Ordinance."

Amend-
ment of
section
ninety-one
of principal
law.

10. Sub-section (3) of section *ninety-one* of the principal law shall be and is hereby amended by the addition after the words " for the purpose of sale " of the following proviso :—

" provided that this sub-section shall not apply to a refreshment shop which although carried on in a room or rooms having the said internal means of communication is closed for business not later than the normal hours prescribed for the closing of shops by section *three* of the Shop Hours Ordinance 1923 and any amendment thereof in which case the licence shall be endorsed accordingly and it shall be an offence for any such refreshment shop to remain open otherwise than during the said normal hours."

11. The first paragraph of section *one hundred and two* of the principal law shall be and is hereby amended by the deletion of the words "Half the cost of publishing in the *Provincial Gazette* any such by-law or amendment or any regulations under section *twenty-three* (3) of the Natives (Urban Areas) Act 1923, shall be borne by the Council" and by the substitution therefor of the following words:—

Amend-
ment of
section *one
hundred and
two* of
principal
law.

Ord. No.
15 of 1930.

"The Administrator may from time to time make charges for publishing in the *Provincial Gazette* any such by-law or amendment or any regulations under section *twenty-three* (3) of the Natives (Urban Areas) Act 1923 or any amendment of such regulations provided that such charges shall not exceed six shillings per inch across the page (double column). All charges made hereunder shall upon demand be paid to the Administrator by the council concerned."

12. Sub-section (1) of section *one hundred and forty-nine* of the principal law shall be and is hereby amended as follows:—

Amend-
ment of
section *one
hundred and
forty-nine*
(1) of
principal
law.

(1) By the deletion of the words "half the cost of such publication" in paragraph (d) (ii) and by the substitution therefor of the words "six shillings per inch across the page (double column)";

(2) by the addition thereto of the following new paragraph:—

"(f) for empowering the committee with the consent of the Administrator to advertise and give publicity to the attractions and advantages of its area of jurisdiction and district."

13. Section *one hundred and fifty-six* of the principal law shall be and is hereby amended by the addition to sub-section (15) of the words:—

Amend-
ment of
section *one
hundred and
fifty-six* of
the prin-
cipal law.

"either within or outside, or partly within and partly outside the limits of the municipality, either by itself or jointly with any other Council and if with any other Council, then upon such terms as such Councils may by written contract agree.

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Section
13.

In the event of any Council entering into any such contract, it shall—

(a) notwithstanding anything to the contrary contained in this Ordinance, be and it is hereby empowered

(i) to delegate its powers to erect, construct, maintain, supervise and carry on the said aerodrome to a joint committee composed of representatives of the respective contracting parties; to fix the number of such joint committee, and to determine what its quorum shall be;

(ii) to elect from its own body representatives on the said joint committee;

(iii) to make provision for the method of appointment of the Chairman of the joint committee who may or may not be one of the representatives of the contracting parties, and to determine whether or not such chairman shall be entitled to exercise a casting vote,

provided always that no expenditure shall be incurred by such joint committee unless provision has been made therefor and a detailed estimate submitted to the finance committee of each council having representation on such joint committee and approved by each such council.

(b) notwithstanding anything to the contrary contained in the Local Authorities Rating Ordinance, 1928, or any amendment thereof be and it is hereby empowered to remit either wholly or in part, any rate or rates which have or may at any time become due from any other council in respect of any interest in land (as defined in the said Ordinance) owned or held by such other

council in or in connection with any aerodrome jointly controlled as aforesaid.”

14. Section *one hundred and fifty-seven* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section:—

Amendment of section *one hundred and fifty-seven* of the principal law.

“(15) for maintaining, regulating, supervising and carrying on aerodromes and for fixing charges and fees to be made and levied in respect thereof and in connection with the conduct thereof (including charges for admission thereto), provided that the powers hereunder may be exercised by a council either separately or jointly with other councils and whether or not such aerodromes are situate within the area of jurisdiction of such council or councils.”

15. This Ordinance may be cited for all purposes as the Local Government Amendment Ordinance, 1930.

Short title.

AN ORDINANCE

Ord. No.
16 of 1930.

To empower local authorities to make provision as to retiring pensions or other financial benefits payable to persons employed by local authorities.

(Assented to 12th July, 1930.)

(Date of operation, 1st August, 1930.)*

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

CHAPTER I.—GENERAL.

1. In this Ordinance unless inconsistent with the context—

Definitions.

“Actuary” shall mean a Fellow of the Institute of Actuaries of London or of the Faculty of Actuaries in Scotland or any other qualified person recognized as an actuary by the Governor-General;

* Proclamation No. 75, *Provincial Gazette*, dated 30th July, 1930, page 89.

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16 of 1930.

“ Administrator ” shall mean the officer appointed under sub-section (1) of section *sixty-eight* of the South Africa Act, 1909, or any amendment thereof, acting on the advice and with the consent of the Executive Committee of the Province;

“ fixed date ” shall mean—

(a) in respect of a superannuation fund existing at the date of the adoption of the Ordinance, the fixed date determined by the rules or regulations of the fund; and

(b) in respect of any other superannuation fund, the date specified in sub-section (2) of section *two*; provided that, in respect of a local authority not having a superannuation fund becoming associated with the joint fund after the commencement of this Ordinance the fixed date shall be the date of adoption of this Ordinance;

“ joint fund ” shall mean the Joint Municipal Pension Fund adopted by the Town Councils of Benoni, Boksburg, Brakpan, Pietersburg, Roodepoort-Maraisburg and Rustenburg; and by any other local authorities that may become associated therewith;

“ local authority ” shall mean and include a city council, a town council, a village council or a health committee, and in relation to an employee or member shall mean the local authority employing such employee or member, and shall include any combination of local authorities under this Ordinance;

“ superannuation fund ” shall mean a superannuation or pension fund established by a local authority and shall include a fund or scheme of a local authority ensuring benefits to its employees upon retirement, and shall further include the joint fund.

Adoption
of
Ordinance
by Local
Authority
having no
Superannu-
ation
Fund.

2. (1) Subject to the provisions of sub-sections (2) and (3) of this section, this Ordinance may be adopted by a local authority not having a superannuation fund and not being associated with the joint fund.

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16 of 1930.

(2) Such local authority if desirous of adopting this Ordinance shall prepare a scheme which shall provide that employees (as defined in section *nine*) shall join the fund under the provisions of Chapter II, and shall, *inter alia*, contain an estimate certified by an actuary of the cost of adopting the Ordinance and the date as from which the scheme shall come into operation.

(3) This Ordinance shall not apply to such local authority until such scheme shall—

- (a) be adopted by the local authority by a resolution passed by a majority consisting of not less than two-thirds of the members of the local authority present and voting at a meeting called for the purpose of which a month's previous notice shall have been given to each of its members;
- (b) be confirmed by such local authority at a regular meeting held not less than one month after the passing of such resolution; and
- (c) be approved by the Administrator.

3. (1) Subject to the provisions of sub-sections (2) and (3) of this section, this Ordinance may be adopted by a local authority having an existing superannuation fund and not associated with the joint fund.

Adoption
of
Ordinance
by Local
Authority
having
existing
Fund
other than
Joint
Fund.

(2) Such local authority if desirous of adopting this Ordinance shall prepare a scheme which shall be approved by an actuary and which shall, *inter alia*, provide—

- (a) that the rights of existing members shall be safeguarded;
- (b) that if no moneys have been accumulated a fund shall be established;
- (c) that future employees (as defined in section *nine*) shall join the fund under the provisions of Chapter II;
- (d) for the date as from which the scheme shall take effect.

(3) Such scheme shall come into operation upon receiving the approval of—

- (a) the committee of management (if any) of the superannuation fund;

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- (b) a majority of the members contributing to such superannuation fund obtained in writing in such manner as the committee of management, or failing a committee of management, the local authority may determine ;
- (c) the local authority;
- (d) the Administrator.

Application
of
Ordinance
to Joint
Fund.

4. The joint fund shall adopt this Ordinance as on and from a date to be fixed by Proclamation of the Administrator and it shall be the duty of the committee of management to prepare a scheme, which shall be approved by an actuary, for the sanction of the Administrator within twelve months from the commencement of this Ordinance. Such scheme shall, *inter alia*, provide for the following matters:—

- (a) Members of the fund on the date fixed by the Administrator as aforesaid and who are members when the scheme shall be approved shall have the option within a period to be provided by the scheme, of remaining under and subject to the provisions of the rules approved under Administrator's Notices Nos. 63, 143 and 623 of 1928, subject to any adjustments in benefits or contributions that may be rendered necessary on actuarial valuation.
- (b) Such members who do not exercise this option shall come under the provisions of Chapters II and III of this Ordinance subject to payment of such rates of contribution as may be deemed necessary by the actuary having regard to the past continuous service of such members; provided that such rates shall be graded according to individual ages last birthday at the date of commencement of continuous service.
- (c) Every employee in the service of the Town Councils of Benoni, Boksburg, Brakpan and Rustenburg who joined the joint fund as from the fixed date shall receive credit for any arrear contributions that have been paid by him or by any of such local authorities on his behalf in respect of service prior to the fixed date.

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- (d) Employees (as defined in section *nine*) of the local authorities associated with the joint fund and who shall join the service of one of such authorities on or after the date fixed by the Administrator as aforesaid shall join the joint fund under the provisions of Chapters II and III.

5. Notwithstanding anything contained in this Ordinance, a local authority not having a superannuation fund which has in its service less than fifty employees (as defined in section *nine*) shall not be entitled to establish a separate fund.

Minimum number of employees for separate fund.

6. Notwithstanding the provisions of section *two*, a local authority not having a superannuation fund may adopt this Ordinance by becoming associated with the joint fund, subject to the approval of the committee of management of the joint fund and upon complying with the provisions of sub-sections (2) and (3) of section *two*.

Local Authority with no fund becoming associated with Joint Fund.

7. (1) Subject to the provisions of sub-sections (2) and (3) of this section, a local authority having an existing superannuation fund may adopt this Ordinance by becoming associated with the joint fund.

Local Authority with separate Fund becoming associated with Joint Fund.

(2) Such local authority shall prepare a scheme which shall be approved by an actuary and which shall, *inter alia*, provide—

- (a) that the rights of existing members shall be safeguarded;
- (b) that future employees (as defined by section *nine*) shall join the joint fund under the provisions of Chapters II and III;
- (c) that the investments and other moneys of such superannuation fund or such part thereof as may be required, shall be transferred to the joint fund, and that such further payments by or refunds to the local authority and employees shall be made as may be described in the scheme;
- (d) for the date as from which the scheme shall take effect.
- (3) Such scheme shall come into operation upon receiving the approval of—
- (a) the committee of management (if any) of the superannuation fund;

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1930.**

- (b) a majority of the members contributing to such superannuation fund obtained in writing in such manner as such committee of management, or, failing a committee of management, the local authority may determine;
- (c) the local authority;
- (d) the committee of management of the joint fund; and
- (e) the Administrator.

**Admission
to Fund of
employees
of
adjacent
Local
Authority.**

8. Notwithstanding anything contained in this Ordinance, a local authority having a superannuation fund shall be empowered, subject to the approval of the committee of management (if any) of such fund and of the Administrator to admit any employee of an adjacent or approximately adjacent local authority to membership of such fund subject to such conditions as may be agreed upon.

CHAPTER II.—PROVISIONS WHERE ORDINANCE
HAS BEEN APPLIED OR ADOPTED.

Definitions.

9. In this Chapter, unless inconsistent with the context—

“ Annuity ” shall mean an annual sum payable during the lifetime of a retiring member;

“ committee ” shall mean the committee of management appointed to administer a fund in accordance with this Chapter;

“ continuous service ” shall mean the time spent by an employee, after the attainment of the age of seventeen years, in the employment of a local authority, and shall not be regarded as interrupted by authorized leave of absence, by breaks in service regarded as leave without pay or otherwise condoned by the committee for the purpose of membership of the fund, or by periods of suspension followed by reinstatement in the same or another office or post, provided—

- (a) that on and after the date of adoption of the Ordinance any period of absence without payment of contribution shall not be taken into account in calculating the period of continuous service;

- (b) that in respect of employees in the service of a local authority having or associated with a superannuation fund at the date of adoption of this Ordinance, the continuous service in respect of employment before such date shall mean the service recognized as pensionable by the rules of such superannuation fund, unless some other method of defining such continuous service be contained in the scheme for the adoption of the Ordinance;
- (c) that in respect of employees in the service of a local authority not having nor associated with a superannuation fund at the date of adoption of the Ordinance, the date of commencement of continuous service shall be as prescribed in section *twelve*;

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—
Section 9.

“dependent” or “dependents” shall mean—

- (a) a wife or widow or husband or widower, or children or step-children; or
- (b) a father, mother, brother, or sister wholly or in part dependent upon a member for support and maintenance; or
- (c) any other person wholly dependent upon a member for support and maintenance who satisfies the committee that he is so dependent.

The following shall be the order of preference among dependents unless such order be varied by a member by notice to the committee, namely—

- (1) to the wife or widow, or to the husband or widower; or
- (2) to the children and step-children in equal shares; or
- (3) to the father and mother in equal shares, or to the survivor of them; or
- (4) to the brothers and sisters in equal shares; or
- (5) to the persons wholly dependent in equal shares;

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“ employee ” shall mean any person of European descent who is in the service of a local authority that has adopted this Ordinance in a permanent capacity, who devotes his whole time to the said service, and who has attained the age of seventeen years; no person who enters the service of a local authority after the date of adoption of the Ordinance and who is over fifty years of age shall for the purposes of this Chapter be regarded as an employee;

“ fund ” shall mean a superannuation fund to which this Ordinance has been applied and shall include the joint fund;

“ medical board ” shall mean the member's own medical practitioner and a medical practitioner nominated by the committee; provided that if the members of such board cannot agree in regard to any case, they may appoint a medical practitioner to act with them as a third member of the medical board, or, failing agreement on such third member within a reasonable period, the chairman of the committee may appoint a medical practitioner to act as such third member; provided further that the report of the medical board need not be unanimous, but may be the report of the majority;

“ member ” shall mean a contributor to a fund or a person in receipt of an annuity from a fund;

“ pension ” shall mean an annuity or gratuity, as the context requires;

“ pensionable emoluments ” shall mean the emoluments on which contributions shall be paid, and shall include—

(a) salary or wages;

(b) the estimated rental value of quarters, whether belonging to the local authority or not, whenever a member is allowed to occupy quarters free of rent as a portion of his emoluments, or any allowance granted in lieu of the provision of free quarters; and free quarters shall for the purpose be assessed at a sum equal to one-sixth of the member's salary or wages; in this term shall not be included—

(1) any special remuneration which

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a member may receive for performing special duties or while acting in an office, whether permanently or temporarily vacant; or

- (2) any locomotion or subsistence allowance; or
- (3) any fees, honoraria or bonuses of any kind; or
- (4) overtime payment; or
- (5) any other allowance not herein specified;

“pension age” shall mean the attainment of the age prescribed in this Chapter for retirement of a member on an annuity;

“salary” or “wages” shall mean the annual, monthly or daily pay of an employee, exclusive of all allowances, and shall not include payment for overtime or any bonus;

“secretary” shall mean the person appointed as such by the committee.

10. The provisions of this Chapter shall apply only in respect of funds to which this Ordinance has been applied or adopted, provided that nothing in this Chapter shall be deemed to affect the rights of members of a superannuation fund existing at the date of adoption of the Ordinance as safeguarded in the scheme for such adoption.

Application
of
Chapter.

11. A fund shall consist of—

- (a) contributions and interest paid into the fund in accordance with this Chapter;
- (b) interest derived from the investment of any moneys of the fund;
- (c) any other sums to which the fund may become entitled.

Sources of
Fund.

12. (1) A local authority not having a superannuation fund and not being associated with the joint fund, shall, in the scheme for the adoption of this Ordinance, select one of the following methods of dealing with the service of its employees prior to the fixed date, that is to say—

Employee
at date of
adoption
of
Ordinance.

- (a) the continuous service of such employees shall commence from the date of joining the service of the local authority

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—
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- (or on the attainment of the age of seventeen years if later), but no contributions shall be required from the employees in respect of such service;
- (b) the continuous service of such employees shall commence from the date of joining the service of the local authority (or on the attainment of the age of seventeen years if later), but in no case from an earlier date than a date to be fixed by the local authority, and no contributions shall be required from the employees in respect of such service;
- (c) each of its employees shall be required to select the date, not earlier than the date of joining the service (or the attainment of the age of seventeen years if later), and at the option of the local authority, in no case earlier than a date to be fixed by the local authority which shall be regarded as the date of commencement of continuous service, and such employee shall be required to pay to the fund in the manner prescribed in paragraph (a) of sub-section (2) of section *fourteen*, the amount of his arrear contributions from such date to the fixed date;
- (d) the continuous service of each of the employees shall commence as from the fixed date; or
- (e) any other method similar to one of the above methods that may be approved by the local authority.
- (2) Such local authority may exclude from membership any of its employees in its service at the fixed date on account of old age or for some other valid reason.
- (3) Such local authority shall, unless the method described in paragraph (d) of sub-section (1) of this section be adopted, contribute to the fund in respect of the continuous service of its employees prior to the fixed date, such sum as—in the opinion of the actuary, after taking into consideration the contributions payable from the fixed date and the contributions (if any) payable by the employees in respect of service prior to the fixed date—shall be required to provide the benefits granted by the fund. This initial contribution may be paid in one sum on the

fixed date, or by instalments over a period of years, or partly in one sum and partly by instalments, provided that to the amount outstanding from time to time there shall be added interest at the rate of four and one-half per cent. per annum, compounding yearly, from the fixed date; provided further that the amount outstanding at any time shall never exceed the amount that would have been outstanding had the local authority elected to contribute by equal annual instalments including principal and interest over a period of twenty years from the fixed date.

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(4) Employees at the fixed date with the exception of those excluded under sub-section (2) of this section shall be obliged to become members of the fund.

13. (1) Every employee who joins the service of a local authority on or after the date of adoption of this Ordinance shall produce to the committee such evidence of health as it may require, and upon the committee being satisfied that he is in a good state of health he shall be obliged to become a member of the fund; provided that in respect of the joint fund such date of adoption shall be the date referred to in section *four*.

Employees
joining
fund
after
adoption
of
Ordinance.

(2) A member may not withdraw from membership while he remains in the service of the local authority, or in respect of the joint fund while he is in the service of the local authority associated with the joint fund.

14. (1) Every member shall contribute to the fund as from the date of the adoption of this Ordinance or as from the date of commencement of continuous service (whichever date is the later), in accordance with the following scale:—

Contribu-
tions by
members

<i>Age last birthday at commencement of continuous service.</i>	<i>Percentage of pensionable emoluments.</i>
Up to 23 years	4
24 to 28 years	4½
29 to 32 years	5
33 to 36 years	5½
37 to 40 years	6
41 to 43 years	6½
44 to 47 years	7
48 years and over	7½

(2) (a) Every member in the service of the

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—
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local authority at the date of adoption of this Ordinance shall also pay into the fund, if required by the local authority under subsection (1) of section *twelve*, the amount of his arrear contributions from the date of commencement of his continuous service to such date of adoption. Such contributions shall not carry interest to the date of adoption, but shall bear interest thereafter at the rate of four and one-half per cent. per annum, compounding yearly, and shall be payable in such instalments as may be determined by the committee; provided that the local authority may elect to pay out of its own revenue on behalf of such members the interest from such date of adoption on such arrear contributions.

(b) Where payment of such arrear contributions is being made by instalments, and the member dies or ceases to contribute to the fund before he shall have completed such arrear payments, then any benefit from the fund to which he or his dependents or estate are entitled shall be calculated as if he had completed payment of his arrear contributions, and in the case where a refund or gratuity is payable the balance of arrear contributions outstanding, including interest, shall be deducted from such refund or gratuity, and in the case where an annuity is payable the instalments outstanding shall be deducted from the annuity payments, and if death occurs before these are completed the balance outstanding shall be deducted from any payments from the fund to which his dependents or estate are entitled.

(3) An employee who shall become eligible for membership after the date of adoption of this Ordinance, and who shall have had a prior period of temporary service with a local authority immediately preceding his appointment in a permanent capacity (provided that a break of not exceeding twelve months may be condoned by the committee) shall be entitled to date his membership back to the date of commencement of his temporary service, or to a later date, and shall in that event pay contributions for such period together with interest at the rate of 5 per cent. per annum, compounding yearly; provided that the right is exercised within one month after the date on which the first contribution is actually paid, and that all arrear contributions with interest thereon shall be paid within two years thereafter, or within such further period as

may be approved by the committee upon application by the employee.

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(4) A member who remains in the service of a local authority after having attained the pension age shall continue to contribute to the fund until he retires or is retired from the service.

15. (1) The contributions to be paid by any member to the fund shall be a first charge upon and shall be deducted monthly or at shorter intervals by the local authority from the salary or wages payable to such member.

How
contribu-
tions by
members
are to be
paid.

(2) The treasurer of the local authority shall, as soon as possible after the expiry of each calendar month from the fixed date, certify to the secretary, in writing, the amount of the contributions and interest paid by members to the fund in the preceding month, and this amount shall be paid by the local authority to the fund, and he shall further supply to the secretary such information reasonably necessary for the purposes of this Ordinance as the committee may from time to time require.

16. Subject to the provisions of sub-section (2) of section *twenty-eight*, the local authority shall pay to the fund one pound for each one pound paid to the fund on all contributions and interest by members, with the exception of any arrear contributions and interest payable under the provisions of paragraph (a) of sub-section (2) of section *fourteen*.

Contribu-
tions by
Local
Authority.

17. When a member is on leave with full pay or with pay less than full pay, he shall continue to contribute on the basis of his full pensionable emoluments. When a member is on leave without pay he may, on application, be permitted to contribute on the basis of his full pensionable emoluments for the calendar month immediately preceding the commencement of his leave without pay, but such application must be made and the amount due in respect thereof must be paid by the member within one month after his return to duty, provided that the member may, on making written application to the committee, be permitted to refund the amount in six or less monthly instalments from the emoluments payable to him. Failing such permission and such payment by the member, no contributions

Contribu-
tions
whilst on
leave.

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shall be collected or be payable in respect of any period of leave without pay, and no period in respect of which contributions are not so paid shall be reckoned in calculating the period of his continuous service.

Method of
calculation
of
Annuity.

18. The annuity payable to a retiring member shall be based on his annual average pensionable emoluments during the last ten years of continuous service and shall be calculated at the rate of one-sixtieth of such pensionable emoluments for each year of such service. The period of such service shall be calculated by the year and month, and a fraction of a month shall be disregarded.

Retirement
at or
after the
age of
Superannu-
ation or
within
preceding
five years.

19. (1) When a member has attained the age of 60 years, he shall retire from the service of the local authority, provided that if the local authority should consider it necessary or desirable, such member may with his consent be retained in the service for further periods not exceeding one year at a time, but not in any case beyond the age of 65 years.

(2) Upon a member retiring under the provisions of the preceding sub-section, he shall be granted an annuity calculated as is provided in section *eighteen*, provided he shall have had ten years' service with the local authority.

(3) A member who shall have attained the age of 55 years and shall have had at least ten years' service with the local authority may be required by the local authority to retire, in which event he shall be granted an annuity calculated under the provisions of section *eighteen*; in such cases all payments of annuity made before the member has reached the pension age shall be paid by such local authority out of its own revenue.

(4) Notwithstanding the provisions contained in the preceding sub-sections of this section, a member who shall have attained the age of 55 years, and shall have had at least ten years' service with the local authority shall have the right to retire on annuity, provided that from the amount of the annuity, calculated as described in section *eighteen*, there shall be deducted two-fifths of 1 per cent. of such amount in respect of each month, or part thereof, by which sixty years exceeds the actual age of the member at date of his retirement.

20. (1) A member who has had at least ten years' service with the local authority, and who has become, in the opinion of the medical board, incapable of efficiently discharging his duties by reason of infirmity of mind or body caused without his own default shall subject to the approval of the committee, be temporarily retired and shall be entitled to receive an annuity calculated as provided in section *eighteen*.

Retirement
upon
Annuity
owing to
ill health. Ord. No.
16 of 1930.

(2) If such member is found by the committee, acting upon the advice of the same or another medical board to be fit for duty within two years of his temporary retirement and is still under the pension age he may be required to resume duty in his former or another office or post. If he refuses so to resume duty without cause that is in the opinion of the committee reasonable, the annuity shall cease provided that—

- (a) the pensionable emoluments attaching to the office or post offered to him as aforesaid shall not be less than the pensionable emoluments drawn by him immediately prior to his temporary retirement;
- (b) the said office or post is not of a lower grade than that from which he was temporarily retired;
- (c) the annuity which he was drawing at the time he was required to resume duty shall determine;
- (d) on his final retirement he shall be entitled for the purposes of annuity to add together the periods of his continuous service prior to and subsequent to his temporary retirement if he contributes to the fund during that subsequent period.

(3) If, on the expiration of two years from the date of his temporary retirement, a member has not been required to resume duty or is still unfit for duty, he shall be deemed to have finally retired and entitled to an annuity on that basis.

Ord. No. 16 of 1930. Retirement upon Annuity owing to re-organisation, etc.

21. If the employment of a member who has had at least fifteen years' service with a local authority is discontinued owing to a reduction in or reorganization of staff, or to the abolition of his office or post or in order to facilitate improvements in efficiency or organization or to retrenchment generally, he shall be entitled to receive an annuity calculated as provided in section *eighteen*.

All payments of any such annuity made before the member attains the pension age shall be paid by such local authority out of its own revenue.

Gratuities on retirement at prescribed age or owing to ill-health, re-organisation, etc.

22. A member who retires or is retired by a local authority under the provisions of section *nineteen* or of sub-section (1) of section *twenty*, but who has had less than ten years' service with such local authority, or who is retired under any of the provisions of section *twenty-one*, but who has had less than fifteen years' service with such local authority, shall on retiring be entitled to receive a gratuity equal to eight and one-third per cent. of his annual average pensionable emoluments calculated over the ten years of continuous service preceding retirement (or over the whole period of continuous service if shorter) in respect of each year of continuous service. The period of continuous service shall be calculated by the year and month and a fraction of a month shall be disregarded.

Voluntary retirement.

23. If a member retires voluntarily from the service of a local authority, he shall be entitled to receive a gratuity equal to the amount of the contributions actually paid by him plus two per cent. of such amount in respect of each complete year by which his continuous service exceeds seven years.

Female member leaving owing to marriage.

24. If a member being a female, is discharged from the service of a local authority on her marriage, or if she voluntarily retires from such service in contemplation of her marriage, and marries within three months after the retirement she shall receive—

- (a) if she has had less than five years' service the return of her own contributions;
- (b) if she has had five years' service the return of twice the amount of her own contributions.

25. If a member leaves the service of a local authority for any reason other than retirement upon annuity or dismissal, and if within a period of twelve months thereafter he becomes re-employed by the same local authority, the break in service shall be condoned and he shall again contribute to the fund as from the date he is re-employed; provided that if a gratuity should have been paid under section *twenty-two, twenty-three* or *twenty-four* the member shall repay to the fund, in one sum or in instalments approved by the committee, the amount of such gratuity together with interest at the rate of four and one-half per cent. per annum, compounding yearly from the date he received such gratuity up to the date or dates of payment.

Member re-joining service of Local Authority.

Ord. No.
16 of 1930.

26. If a member is dismissed from the service of a local authority as a result of grave misconduct, dishonesty or fraud, or if he is allowed to retire or resign in order to avoid dismissal, he shall receive a refund of the contributions actually paid by him and he shall cease to be a member of the fund, provided that if his conduct shall have involved the local authority in financial loss, the amount of such loss shall be deducted from such refund and be paid over to the local authority as a preferential charge.

Dismissal from the service.

27. (1) If a member dies while still in the service of a local authority his dependents, if any, shall receive a gratuity equal to eight and one-third per cent. of his annual average pensionable emoluments calculated over the ten years of continuous service preceding death (or over the whole period of his continuous service, if shorter) in respect of each year of continuous service. The period of continuous service shall be calculated by the year and month and a fraction of a month shall be disregarded.

Death before or soon after retirement.

(2) If a member who is in receipt of an annuity dies within five years from the date of his retirement, his dependents (if any) shall be paid either the annuity which such member, if he had not died, would have drawn during the unexpired portion of the

Ord. No.
16 of 1930.

period of five years aforesaid, or a gratuity equal to the difference between a sum equal to five times that annuity and the annuity payments actually made to him or on his behalf before his death.

(3) If no claim is made by a dependent or dependents within a period of six months after the death of a member it shall be assumed that no dependent or dependents exist, and the amount of the contributions actually paid by the deceased member, less the amount (if any) which he may have received in respect of annuity, shall thereupon be paid to his estate and there shall thereafter be no claim on the fund in respect of such deceased member.

Actuarial
valuation
of fund.

28. (1) Once at least in every five years the condition of the fund shall be submitted by the committee to an actuary, who shall make an actuarial valuation of the assets and liabilities of the fund. The actuary shall report direct to the committee (which shall immediately on receipt thereof submit a copy of the report to the Administrator) and shall in his report state the data and processes used in his investigation and valuation. He shall declare any surplus or deficiency which appears and shall state why, in his opinion, that surplus or deficiency (as the case may be) has arisen, and as to the steps which should be taken to deal with it.

(2) When on any such valuation the actuary certifies that there is a substantial deficiency or a disposable surplus the committee shall submit to the Administrator a scheme which shall be approved by the actuary for the disposal of the surplus or for making good the deficiency. The benefits may be increased or the rates of contribution may be decreased or increased as the position may require, provided that in any scheme the rates of contribution from the local authority shall never be lower than the rates applicable to members.

(3) Where any such scheme is approved by the Administrator the committee shall forthwith give effect thereto.

(4) If within six months of the receipt of such report the committee fails to submit a scheme under this section, or to submit a scheme of which the Administrator approves, the Administrator shall formulate a scheme,

which shall have the same effect as a scheme submitted by the committee and approved by him.

(5) No scheme under this section may provide that a person to whom a pension has been granted shall in the case of an annuity have it reduced, or in the case of a gratuity be called upon to repay any portion thereof.

29. No pension or right to a pension shall be capable of being assigned or transferred, or otherwise ceded, or of being pledged or hypothecated, nor shall the same or any contributions made by a member or on his behalf be liable to be attached or subjected to any form of execution under a judgment or order of a court of law, and in the event of the beneficiary attempting to assign, transfer, or otherwise cede, or to pledge or hypothecate a pension or right to a pension, payment of the same may be withheld, suspended, or entirely discontinued if the committee so determine; provided that the committee may direct the payment of such pension or part thereof to any one or more dependents of the beneficiary or to a trustee for such dependent or dependents during such period as it may think fit.

Pensions,
etc, not
assignable
or
executable.

30. (1) If the estate of any person in receipt of an annuity is sequestrated or surrendered or assigned for the benefit of his creditors, the annuity shall forthwith determine; provided that, in any such case, all or any part of the annuity may be paid to or for the benefit of his dependents. If the payment is to such person, it shall be for his own personal use and may not in any way be taken, attached, sold, or appropriated by the trustee in insolvency or by any assignee or by his creditors, anything to the contrary notwithstanding in any law relating to insolvency.

How
annuities
affected by
insolvency.

(2) Whenever an annuity has determined under this section it shall be revived on rehabilitation of the insolvent, and he shall receive an annuity at the same rate and under the same conditions as before sequestration, surrender, or assignment, together with any arrears that may have accrued.

31. (1) If a person in receipt of an annuity is convicted before any court of any crime or offence, and is sentenced therefor to death or to any term of imprisonment exceeding twelve months without the option of a fine, the annuity shall cease to be paid to such person,

How
annuities
affected by
conviction
for crime.

Ord. No.
16 of 1930.

and in place thereof the annuity shall during such person's imprisonment be paid to his dependents.

(2) Whenever the payment of any annuity has ceased under sub-section (1) of this section it shall be revived on the discharge of the annuitant from prison, and he shall receive the annuity at the same rate and under the same conditions as before his imprisonment, together with any arrears that may have accrued and not been paid over under the authority in sub-section (1) hereof contained.

Claims for injuries arising out of employment.

32. Nothing in this chapter contained shall in any way affect the right which any member or his dependents may have to claim compensation under any law governing compensation or damages to workmen injured or dying from any accident arising out of or in the course of their employment and the amount payable under this chapter shall not be reduced or affected by reason of any payment that may be made under any such law.

Local Authority to have lien on benefits for monies due.

33. A local authority shall, in respect of any money debt due by a member to such local authority, have a lien on any annuity, gratuity, or other benefit payable to or in respect of such member under the provisions of this chapter.

Local Authority may make special grants.

34. Nothing in this chapter contained shall be taken to prevent a local authority from making to any member who was in the service of such local authority at the fixed date, or to his dependents, in respect of the service of such member with such local authority or with another local authority or otherwise, any special payment or annual or other allowance in addition to any annuity or benefit which such member or his dependents may be entitled to receive from the fund, provided that such special payment or allowance shall be paid by such local authority out of its own revenue.

How reduction in pension emoluments or hours of duty to be treated.

35. (1) Any contributing member whose pensionable emoluments may be reduced for any reason other than misconduct, or any contributing member who transfers from the service of a local authority with lower pensionable emoluments to the service of another local authority of whose fund he becomes a member (provided he did not leave the service of the former local authority on account of misconduct) shall be allowed at his option to continue

or to make his contributions on the basis of his higher pensionable emoluments, and should this option be exercised, any benefit payable under this chapter in respect of such member shall be calculated as if such higher pensionable emoluments had continued to be payable.

**Ord. No.
16 of 1930.**

(2) When the ordinary working hours of duty of a section of members have been reduced as a measure of economy, such members shall contribute on the emoluments on which they were contributing immediately prior to the reduction and for all purposes of the fund the emoluments on which a member contributes shall be regarded as his pensionable emoluments.

36. (1) The whole of the expenses in connection with or incidental to the management or administration of the fund as well as the cost of the audit and the actuarial investigations, shall be borne by the fund; provided that in the case of the joint fund the travelling expenses necessary for the administration of the fund shall be borne in equal shares by the local authorities associated therewith.

Expenses
of
manage-
ment—
How
borne.

(2) Notwithstanding the provisions of the preceding sub-section, if it should be provided in a scheme for the adoption of this Ordinance that members of an existing superannuation fund at the date of adoption shall have the right of electing not to come under the provisions of this chapter, and if the local authority was required by the rules of such superannuation fund to pay the expenses of administration, the local authority shall continue to pay such expenses in respect of such members electing not to come under the provisions of this chapter. The amount payable by the local authority to the fund in respect of any financial year shall be such proportion of the total expenses for such year as the contributions paid in such year by such local authority in respect of the current service of members not coming under the provisions of this chapter bear to the total contributions paid in such year by such local authority in respect of the current service of members.

37. Evidence of age satisfactory to the committee shall be produced by each member within six calendar months from the date of commencement of contributions to the fund.

Evidence
of age
to be
produced.

Ord. No.
16 of 1930.

Investment
of funds
and
guarantee
of
interest.

38. (1) The investment of all moneys not required to meet the current charges upon the fund shall be in the discretion of the committee, which is empowered to invest in any of the following ways:—

- (a) In the Post Office Savings Bank, or in the savings bank of any bank or institution which is governed by the banking laws of the Union, or on fixed deposit or at call with any such bank or institution or with any local authority in the Union;
- (b) in Treasury Bills, Union Loan Certificates, or Savings Bank Certificates issued by or on behalf of the Union Government, or in stocks, securities, or funds issued or guaranteed by the Union Government;
- (c) in the stock, funds, or debentures of, or in loans to, any Provincial Administration, local authority, or public body in the Union authorized by law to borrow money;
- (d) on first mortgage upon first-class rent-producing property in the Transvaal, the amount of the mortgage in any case not to exceed 50 per cent. of the market value of the property as shown by a sworn appraisalment;
- (e) in such other security or securities as may be approved individually or as a class by the Administrator;
- (f) subject to the approval of the Administrator being first obtained, in Government securities of the United Kingdom or of any dominion or colony of the United Kingdom.

(2) This section shall not apply to any funds invested at the date of adoption of this Ordinance until such funds become available for re-investment.

(3) If the rate of interest earned on the total moneys (including any uninvested moneys) of the fund during any financial year should be lower than four and one-half per cent. the local authority shall contribute to the fund such a sum as, on being added to the interest actually earned, would increase the rate to four and one-half per cent. during such financial year.

For this purpose, the rate of interest during a financial year shall be calculated by dividing the interest earned during such year by an amount which shall be equal to the mean of the fund at the beginning and at the end of such year less one-half of such interest.

Ord. No.
16 of 1930.

39. (1) The committee in its absolute discretion may, at the request of the recipient, and subject to the production of a satisfactory medical certificate, commute an annuity of thirty-six pounds or under by a single cash payment calculated actuarially according to the period for which the recipient may be expected to draw the annuity. Commutation of annuities.

(2) The committee may, at the request of the recipient, in like circumstances, commute such portion of any annuity as does not exceed one-third thereof by a single cash payment calculated in like manner.

40. (1) In respect of employees in the service of a local authority not having nor associated with a superannuation fund at the date of adoption of this Ordinance, the committee may, in deciding what part of the service prior to such date may be included for pension purposes and subject to sub-section (2) of this section disregard breaks in service not exceeding twelve months, but such breaks shall be treated as leave without pay and shall be excluded in calculating the period of continuous service. When breaks in service may be condoned.

(2) Any break in service prior to the date of adoption of this Ordinance due to a member being on active military service shall on the facts being established to the satisfaction of the committee, be entirely disregarded, and the period of such service shall be included in the period of continuous service. The pensionable emoluments of the member immediately prior to his participation in such military service shall be treated as his pensionable emoluments during the period of such military service.

41. (1) The management and direction of the fund shall be vested in a committee of management which shall be composed of equal numbers of members nominated by the local authority and of members elected by members of the fund. Committee.

Ord. No.
16 of 1930.

(2) The scheme for the adoption of this Ordinance shall, *inter alia*, include particulars with regard to the committee as follows:—

- (a) The number of members;
- (b) the method of appointment of a chairman;
- (c) the mode and times of nominating or electing members;
- (d) the quorum necessary for the transaction of business;
- (e) the method of appointment of a sub-committee or otherwise if thought necessary or desirable.

Powers of
Committee.

42. The committee shall, subject to the provisions of this Ordinance, have power to examine, approve, confirm or reject all applications for admission to membership of the fund, provided however, that any person whose application has been rejected shall have the right to appeal to the Administrator whose decision shall be final; to settle all questions not otherwise herein provided for in respect of contributions; to examine, approve, or decide upon the periods of service on which the contributions may be made or which may be included for pension purposes; to adjust and decide upon all claims made upon the fund; to authorize the payment of claims made upon the fund; to authorize the payment of all pensions, benefits, or refunds, and to carry out and perform the several duties in terms of and as prescribed in this chapter.

Committee
allowed to
make
rules.

43. (1) The committee may from time to time (subject to the approval of the Administrator) make rules for its own guidance, or to facilitate the transaction of the business of the fund, provided such rules do not conflict with this Ordinance or militate against the spirit or objects of the fund.

(2) The committee may adopt from time to time suitable rules in the case of piece-work or other workers for the calculation of the annual pensionable emoluments, and such rules shall provide that the monthly pensionable emoluments on which contributions shall be paid shall be one-twelfth of such annual pensionable emoluments.

Annual
Audit.

44. The committee shall cause the books and accounts of the fund to be audited at least once in every year.

45. Any rules or regulations of the fund or of the scheme for the adoption of this Ordinance may from time to time be altered or amended by the committee subject to the approval of—

Amend-
ment of
rules or
scheme.

Ord. No.
16 of 1930.

- (a) the local authority;
- (b) the majority of the members of the fund; and
- (c) the Administrator;

provided that any alteration deemed likely to affect the financial position shall also be approved by an actuary.

CHAPTER III.—ADDITIONAL PROVISIONS
APPLICABLE TO JOINT FUND.

46. The provisions of Chapter II shall *mutatis mutandis* apply to the joint fund, subject to the following amendments—

Applica-
tion of
Chapter II
to Joint
Fund

- (a) In section *nine* “ committee ” shall include the general committee and the committee of management mentioned in paragraph (g) of this section;
- (b) “ continuous service ” defined in section *nine* shall, in respect of service on or after the date referred to in section *four*—
 - (i) not be regarded as interrupted by breaks in service whilst transferring from one local authority associated with the joint fund to another local authority so associated, which may be regarded as leave without pay and may be condoned by the committee; and
 - (ii) include employment with all local authorities associated with the joint fund;
- (c) section *twenty-five* shall apply in respect of a member who leaves the service of a local authority associated with the joint fund, and who is employed within a period of twelve months by another local authority so associated; provided that the other provisions of the said section shall also apply;
- (d) the provisions of sub-section (2) of section *twenty-eight* shall apply with the following addition thereto—

“ If a surplus or deficiency should arise under the joint fund from any

Ord. No.
16 of 1930.

Section 46

cause other than changes in the mortality or estimated future mortality of members or actuarial calculations for alteration or revisions due to salary or wage conditions, or actuarial calculations for ill-health pensions, the rates of contribution payable by the local authority shall not be altered, and instead the benefits shall be increased or the rates of contribution payable by members shall be increased or decreased as the position may require ”;

- (e) Any amount payable by the local authority under the provisions of sub-section (2) of section *thirty-six* shall be contributed by the local authorities associated with the joint fund in proportion to the contributions paid by each such local authority in respect of the current service of its employees not coming under the provisions of Chapter II during the financial year in respect of which the amount is payable;
- (f) any contribution payable by the local authority under the provisions of sub-section (3) of section *thirty-eight* shall be contributed by the local authorities associated with the joint fund in proportion to the contributions paid by each such local authority in respect of the current service of its employees during the financial year in respect of which the contribution is payable;
- (g) sub-section (1) of section *forty-one* shall not apply to the joint fund, and the following sub-section shall be substituted therefor: “ The management and direction of the joint fund shall be vested in a general committee, and such general committee shall elect a smaller committee of management which shall have all the powers previously vested in the general committee, and such committee of management shall have power to appoint an executive or other sub-committee with such delegated authorities as may be deemed necessary;

“ Each committee shall be composed of equal numbers of members nominated by the local authorities and of members elected by members of the joint fund ”;

- (h) the scheme referred to in sub-section (2) of section *forty-one* shall provide for the number of members of each committee specified in the preceding paragraph and for the manner and times of election or appointment of each such committee;
- (i) in section *forty-five* the words "the local authority" shall be replaced by the words "the majority of the local authorities constituting the joint fund."

Ord. No.
16 of 1930.

CHAPTER IV.—MISCELLANEOUS PROVISIONS.

47. The provisions of this Chapter shall apply to every superannuation fund or local authority that has adopted or may adopt this Ordinance and to such other as may adopt this chapter as an addition to the constitution of its superannuation fund.

Applica-
tion of
Chapter.

48. (1) If an employee who is subject to the provisions of Chapter II transfers from the service of a local authority which has adopted this Ordinance to the service of another local authority which has adopted this Ordinance within six months of leaving the service of the first local authority, the fund of the first local authority shall pay to the fund of the second local authority a transfer value to be ascertained in accordance with rules made for the purpose by the Administrator [hereinafter in sub-sections (1), (2), and (3) of this section referred to as a "transfer value"], and the employee shall be entitled to such rights in respect of service before the date of transfer as he would have been entitled to if such service had been with the second local authority only.

Transfer
of
employee
from one
Local
Authority
to another
Local
Authority

(2) An employee who transfers from the service of a local authority which has no superannuation fund to the service of a second local authority which has adopted this Ordinance, within six months of leaving the service of the first local authority, shall, if he pays in lieu of the said transfer value a sum or sums to be ascertained in accordance with rules to be made by the Administrator, be entitled to reckon service with the first local authority in whole or in part in accordance with the amount of the sum so paid and in accordance with such rules.

Ord. No.
16 of 1930.
—
Section 48

(3) If an employee who is subject to the provisions of Chapter II transfers from the service of a local authority which has adopted this Ordinance to the service of a second local authority which has not adopted this Ordinance, but which has a superannuation fund, within six months of leaving the service of the first local authority, the fund of the first local authority shall pay to the superannuation fund of the second local authority a transfer value, and in that case the employee shall be entitled to such rights in respect of service before the date of transfer as he would have been entitled to if such service had been with the second local authority; provided that any difference between such transfer value and the amount which the superannuation fund of the second local authority should have received in respect of the employee at the date of transfer as ascertained by an actuary, shall be paid to such superannuation fund by the employee, or from such superannuation fund to the employee, as the case may be; provided further that any such difference may, at the discretion of the committee of such superannuation fund, be paid by instalments, together with interest at the rate of four and one-half per cent. per annum, compounding yearly.

(4) (a) In any case other than those detailed in the preceding sub-sections of this section where an employee transfers from the service of a local authority to the service of another local authority within six months of leaving the service of the first local authority, and where each such local authority has a superannuation fund, the following provisions shall apply:—

- (i) in this paragraph the local authority and the superannuation fund from which the employee is transferring shall be called the first authority and the first fund respectively, and the local authority and the superannuation fund to which he is transferring shall be called the second authority and the second fund respectively.
 - (ii) The employee shall satisfy the conditions laid down for eligibility as a member in the second fund, except those providing for a maximum age or for evidence of health.
-

- (iii) The employee shall, as from the date of transfer, contribute to the second fund at the rate applicable to his age at the commencement of his pensionable service with the first fund, or applicable to such later date as from which he elects his pensionable service to commence in the second fund.
- (iv) The first fund shall pay to the second fund the amount it holds in respect of the employee at the date of transfer, called the first transfer value.
- (v) The second fund shall receive the amount which it ought to hold in respect of the employee at the date of transfer, taking into consideration the pensionable service prior thereto, called the second transfer value.
- (vi) If the first transfer value is greater than the second transfer value, the balance shall be paid by the second fund to the employee, either in one sum or by instalments approved by the committee of management of the second fund, provided that if payment be made in instalments, interest shall be added thereto at the rate of four and one-half per cent. per annum compounding yearly, from the date of transfer.
- (vii) If the first transfer value is less than the second transfer value, the balance shall be paid to the second fund by the employee, either in one sum or by instalments approved by the committee of management of the second fund, provided that if payment be made by instalments, interest shall be added thereto at the rate of four and one-half per cent. per annum, compounding yearly from the date of transfer.
- (viii) If the first transfer value should be less than the second transfer value, when the pensionable service in the second fund is the same as that in the first fund the employee shall have the right of reducing the pensionable service in the second fund so that the balance of transfer value payable by him shall be reduced or extinguished, but to no greater extent.

Ord. No.
16 of 1930.
—
Section 48

Ord. No.
16 of 1930.

(ix) The transfer values referred to in this paragraph shall be ascertained by an actuary.

(b) The provisions of sub-paragraph (viii) of the preceding paragraph shall be applied where applicable to cases arising under the preceding sub-section.

(c) Paragraph (a) of this sub-section shall apply in any case where one of the local authorities concerned is situated in the Union outside of the Transvaal, provided that such local authority or its superannuation fund has adopted similar reciprocal provisions.

(5) If a gratuity should have been paid under sections *twenty-two*, *twenty-three* or *twenty-four*, and the employee should afterwards join the service of another local authority, within six months of leaving the service of the first local authority, one of the preceding sub-sections, should it be applicable, shall be applied provided that the employee shall pay to the fund of the local authority he has joined, in one sum or by instalments as the committee of management may determine, the amount of the gratuity he had received, together with interest thereon at the rate of four and one-half per cent. per annum, compounding yearly, from the date on which he received such gratuity up to the date or dates of payment, and provided further that the sum to be paid by the fund of the first local authority to the fund of the local authority he has joined shall be reduced by the amount of the said gratuity together with interest at the rate of four and one-half per cent. per annum, compounding yearly, from the date the gratuity was paid up to the date of joining the service of the second local authority.

Inter-
change of
employee
between
Local
Authori-
ties.

49. An employee who is interchanged between local authorities, for a period not exceeding one year, shall continue to make contributions to the superannuation fund of the local authority from which he is interchanged, and such local authority shall continue to make contributions to such superannuation fund; the contributions so continued shall be calculated upon the pensionable emoluments drawn by the employee immediately prior to the date when he was interchanged.

50. An employee who is seconded for a period not exceeding two years to the service of another local authority shall continue, while so seconded, to make contributions to the superannuation fund of the local authority from which he is seconded, and the contributions payable by the local authority from which he is seconded shall be paid by the local authority to which he is seconded; such contributions shall be calculated upon the pensionable emoluments drawn by the employee immediately prior to the date when he was seconded.

Employee
seconded
to another
Local
Authority.

Ord. No.
16 of 1930.

51. (1) For the purposes of this Ordinance every superannuation fund shall be deemed to be a corporation, and as such all property belonging thereto shall vest in the superannuation fund under its own name. By "its own name" shall be meant the name by which the superannuation fund is known in its constitution or in the scheme prepared for the adoption of this Ordinance or in the proclamation of the Administrator approving of the constitution of the superannuation fund.

Property
of fund
may be
held and
fund may
sue or be
sued in
its own
name.

(2) The members of the committee of management of a superannuation fund, or failing a committee of management the members of the local authority, shall not be liable to make good any deficiency in the funds of the superannuation fund but shall be liable only for sums of money actually received by them on behalf of the superannuation fund.

(3) All legal proceedings of a civil nature by or against a superannuation fund shall be instituted or taken by or against the superannuation fund under its corporate name as referred to in sub-section (1) of this section, and no such legal proceedings shall be brought against a member of a superannuation fund individually in respect of an obligation of the superannuation fund by reason only that he is a member.

CHAPTER V.

52. Sub-section (33) of section *seventy-nine* of the Local Government Ordinance, 1926, is hereby repealed, except as to existing superannuation funds of local authorities that have not adopted this Ordinance.

Repeal of
Law.

Ord. No. Short
16 of 1930. title and
date of
operation.

53. This Ordinance may be cited for all purposes as the Local Government Superannuation Ordinance, 1930, and shall commence and come into operation on a date fixed by Proclamation of the Administrator.

Ord. No.
17 of 1930.

AN ORDINANCE

To amend the Transvaal Teachers' Pensions Ordinance No. 5 of 1916 in certain respects.

(Assented to 12th July, 1930.)

(Date of operation, 30th July, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Female
officers
may retire
at the age
of 50.

1. (1) Notwithstanding anything contained in the Transvaal Teachers' Pensions Ordinance No. 5 of 1916 as from time to time amended (hereinafter referred to as the principal law) a female teacher who has attained the age of 50 years may retire on pension.

(2) A female teacher who retires in accordance with the provisions of the preceding sub-section shall receive an annuity as provided in sub-section (1) of section *eight* of the principal law subject to a deduction of one-third of one per cent. in respect of each month or part thereof by which age 55 exceeds the actual age of such officer on retirement.

Amend-
ment of
Section 3 of
principal
law.

2. Paragraph (a) of sub-section (6) of section *three* of the Transvaal Teachers' Pensions Ordinance, No. 5 of 1916, as added by section *two* of the Transvaal Teachers' Pensions Amendment Ordinance, No. 12 of 1928, shall be and is hereby amended by the deletion of the following words:—

“ or who after the completion of a course of training in an institution maintained by the Department in terms of section *twenty-six* of the Education Act, 1907, is after the 1st January, 1929, appointed to a post in terms of section *seventy-nine* of the Education Act, 1907.”

3. Every teacher, who after the completion of a course of training in an institution maintained by the Department, in terms of section *twenty-six* of the Education Act, No. 25 of 1907, had after the 1st January, 1929, been appointed to a post in terms of section *seventy-nine* of the Education Act, No. 25 of 1907, and was at the date of the coming into force of this Ordinance making contributions to the fund in accordance with the provisions of paragraph (a) of sub-section (6) of section *three* of the Transvaal Teachers' Pensions Ordinance, No. 5 of 1916, as added by section *two* of the Transvaal Teachers' Pensions Amendment Ordinance, No. 12 of 1928, shall as from such date no longer make such contributions and shall be refunded the amount of his own contributions to the fund together with interest at the rate of three per cent. per annum calculated up to the date of the coming into force of this Ordinance, and the amount of the contributions paid by the Administration in respect of such teacher shall be refunded to revenue together with interest at the rate of three per cent. calculated up to the date of the coming into force of this Ordinance.

Refund of teachers' contributions in certain circumstances.

Ord. No.
17 of 1930.

4. This Ordinance may be cited for all purposes as the Transvaal Teachers' Pensions Amendment Ordinance, 1930, and shall be read as one with the principal law.

Short title.

AN ORDINANCE

To amend the Education Act, 1907.

Ord. No.
18 of 1930.

(Assented to 22nd July, 1930.)

(Date of operation, 13th August, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. Sub-section (1) of section *sixty-seven* of the Education Act 1907 as amended by section *two* of the Education Act Amendment Act 1908 shall be and is hereby amended by the deletion therefrom of the words from "and every such committee shall hold office for a period of three years" to and including the

Amendment of section 67 of Education Act, 1907.

**Ord. No.
18 of 1930.**

words " by reason of his being an alien " and by the substitution therefor of the words:—

" and every such committee shall hold office for a period of three years. Every white person of full age shall be qualified to be elected as a member of a school committee provided he resides within the school district or within six miles of the boundaries of the school district except—

- (a) a person convicted at any time of an offence for which imprisonment with hard labour has been imposed as a punishment unless he shall have obtained a free pardon or his period of imprisonment shall have expired at least three years prior to the date of his appointment or election;
- (b) a person of unsound mind declared as such by a competent court;
- (c) an unrehabilitated insolvent;
- (d) a teacher in any school or institution or any officer of the department;

and no person shall be disqualified on account of sex from being appointed or elected a member of the committee."

**Limitation
of legal pro-
ceedings.**

2. (1) No legal proceedings shall be brought against the Administrator or the Director of Education, as the case may be, in respect of anything done or omitted under the Education Act, 1907, or any amendment thereof, unless the proceedings have been commenced before the expiry of twelve months after the act or omission alleged.

(2) No such proceedings shall be commenced until at least one month after written notice of the intention to bring such proceedings has been served on the Administrator or the Director of Education, as the case may be. In such notice the alleged act or omission shall be clearly and explicitly stated.

Short Title. **3.** This Ordinance may be cited for all purposes as the Education Act Amendment Ordinance, 1930.

AN ORDINANCE

Ord. No.
19 of 1930.

To Amend the Public Hospitals Ordinance, 1928, in
certain respects.

(Assented to 22nd July, 1930.)

(Date of operation, 13th August, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of
Transvaal as follows:—

1. Section *two* of the Public Hospitals Ordinance, 1928 (hereinafter referred to as the principal law) shall be and is hereby amended

Amend-
ment of
Section *two*
of
principal
law.

(1) by the addition thereto of the following new definitions:—

“ Free patient ” means a person (other than a privileged patient) who receives from a board of any public hospital relief free of charge and in respect of whom subsidy is payable in terms of section *fifty-seven* of this Ordinance provided that no person shall be admitted to a central or a first-grade hospital as a free patient unless a certificate in a form prescribed by the Administrator has been issued in respect of that person by the almoner or other officer specially appointed for the purpose to the effect that that person is not in a position to contribute towards the cost of hospital treatment.

“ Privileged patient ” means a person who, by reason of his being a member of a board or of the honorary or paid staff of a board or a dependent of such member, or who by reason of his being a medical student is in receipt of relief granted free of charge by a board under powers conferred by sub-section (3) of section *forty-six* of this Ordinance.

(2) by the insertion after the words “ ten pounds ” in the definition of “ contributor ” of the following words—

“ or has given a written undertaking to pay such a sum in full or by instalments and has within a period of 12 months from the date of such undertaking completed the payment of his donation, either in full or to an extent of not less than ten pounds,”

Ord. No.
19 of 1930

Amend-
ment of
Section *ten*
of
principal
law.

2. Sub-section (1) of section *ten* of the principal law shall be and is hereby amended by the insertion after the words " at the commencement of this Ordinance " wherever they occur in paragraphs (b), (c), (d) and (e) of the words:—

" or whenever a new board is constituted after such commencement in terms of section *eight* (2) (a) or (b)."

Amend-
ment of
Section
eighteen
of
principal
law.

3. Section *eighteen* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following new section:—

" 18. The establishment of a board and all proceedings of the board or of any person acting as chairman, vice-chairman, member of the board or secretary or superintendent (as the case may be) shall, notwithstanding that it be discovered that there was some defect in the election or appointment of the person so acting or that he was disqualified, be as valid and effectual as if the person had been duly elected or appointed and qualified."

Amend-
ment of
Section
twenty-nine
of principal
law.

4. Paragraph (2) of sub-section (4) of section *twenty-nine* of the principal law shall be and is hereby amended by the deletion of the two provisos thereto and by the substitution therefor of the following new proviso:—

" provided that a board may subject to the approval of the Administrator—

- (i) appoint such employees as it may think fit outside of the approved staff determined as aforesaid;
- (ii) pay any employee a higher salary or wage than is payable in accordance with the scale applicable to such employee;
- (iii) specially advance any employee within the scale applicable to such employee."

Amend-
ment of
Section
forty-six
of principal
law.

5. Section *forty-six* of the principal law shall be and is hereby amended by the addition thereto of the following new sub-section:

" (3) A board may, subject to the approval of the Administrator, grant relief in or at the hospital under its control and management free of charge to any or all

of the following classes of persons as privileged patients:—

Ord. No.
19 of 1930.

- (a) members of the board or their dependents;
- (b) members of the honorary visiting or paid staff and their dependents;
- (c) medical students.”

6. Section *forty-seven* of the principal law shall be and is hereby amended as follows:—

Amend-
ment of
Section
forty-seven
of
principal
law.

- (1) In sub-section (2) by the insertion after the word “over” of the following words:—

“in the case of Europeans and three shillings and sixpence per diem and over in the case of non-Europeans.”

- (2) By the addition to sub-section (3) of the following words:—

“The expression ‘registered medical practitioner’ as used in this sub-section shall include a medical student.”

7. Section *eighty-two* of the principal law shall be and is hereby amended:—

Amend-
ment of
Section
eighty-two
of principal
law.

- (a) by the insertion after the words “under this Ordinance” of the words:—

“other than of boards of public hospitals classified in terms of section *five* as second class clearing hospitals;”

- (b) by the addition thereto of the following proviso:—

“provided that in the case of a public hospital classified as aforesaid as a central hospital the Administrator may on the application of the board relax the requirements regarding the keeping of registers and thereupon the provisions of the said Ordinance relating to the keeping of registers shall not apply to such hospital.”

8. This Ordinance may be cited for all purposes as the Public Hospitals Amendment Ordinance, 1930.

Short title.

Ord. No.
20 of 1930.

AN ORDINANCE

To Amend the Personal and Income Taxes Ordinance,
1928, in certain respects.

(Assented to 11th August, 1930.)

(Date of operation, 27th August, 1930.)

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Amend-
ment of
Section 4
of principal
law.

1. Section *four* of the Personal and Income Taxes Ordinance, 1928 (hereinafter referred to as the principal law), shall be and is hereby amended as follows:—

(1) In sub-section (3)—

(a) delete the words: “ If the tax exceeds £10 but does not exceed £25 at the rate of 25 per cent. per annum ” and substitute therefor the words: “ If the tax exceeds £10 but does not exceed £25 at the rate of 20 per cent. per annum ”;

(b) delete the proviso;

(2) by the addition thereto of the following new sub-section the present sub-section (4) to become sub-section (5):—

“ (4) The amount of any penalty or penalties imposed under the provisions of this section shall not exceed the amount of the relative tax or taxes.”

Amend-
ment of
Section 7
of principal
law.

2. Section *seven* of the principal law shall be and is hereby amended as follows:—

(1) by the deletion in the Afrikaans version of the word “ werker ” and by the substitution therefor of the word “ werkgewer ”;

(2) by the addition thereto of the following new sub-section the section as originally enacted to become sub-section (1) thereof:—

“ (2) In the event of any person being an employee failing to pay the tax or taxes due by him on or before the prescribed date it shall be competent for the Revenue Officer to advise the employer of the default of such person and the

amount of tax or taxes and penalty payable by him, and thereupon such tax or taxes and penalty shall be a debt due by such employer for the purposes of section *nine*; provided that the employer shall have the right to deduct the amount paid by him from any amount which may be due or which may subsequently become due by him to such employee; provided further that the employer shall not be liable beyond the amount which may be due or become due by him to such employee."

Ord. No.
20 of 1930.

3. Sub-section (2) of section *eight* of the principal law shall be and is hereby amended by the insertion after the words "resident justice of the peace" where these occur for the first time of the words in brackets:—
“(when such officer is a whole time officer).”

Amendment of Section 8 of principal law.

4. Section *fourteen* of the principal law shall be and is hereby amended by the deletion of paragraph (a) and by the substitution thereof of the following new paragraph:—

Amendment of Section 14 of principal law.

“(a) fails or neglects to render any return or to furnish any information as and when required under this Ordinance.”

5. This Ordinance may be cited for all purposes as the Personal and Income Taxes Amendment Ordinance, 1930.

Short title.

AN ORDINANCE

To amend the Horse Racing and Betting Ordinance, 1927.

Ord. No.
21 of 1930.

(Assented to 26th August, 1930.)

(Date of operation, 1st October, 1930.)*

(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. Sections *sixteen and seventeen* of the Horse Racing and Betting Ordinance, 1927 (hereinafter referred to as the principal law) shall be and are hereby repealed.

Repeal of Sections 16 and 17 of principal law.

* Proclamation No. 97, *Provincial Gazette*, dated 10th September, 1930, page 297.

Ord. No.
21 of 1930.

Amend-
ment of
Section 20
of principal
law.

2. Section *twenty* of the principal law shall be and is hereby amended as follows:—

- (1) by the following alterations to sub-section (1):—
 - (a) delete the word “ Transvaal ”;
 - (b) after the word “ place ” insert the words “ or places and branches of any such place or places to be ”;
- (2) by the deletion of the words “ the place ” in sub-section (2) and by the substitution therefor of the words “ any such place or places or at any branch of such place or places.”
- (3) by the addition thereto of the following new sub-section:—

“ (3) No person who is not a member of any Tattersalls shall be allowed to make bets on the results of any race at any place referred to in sub-section (1) hereof.”

Amend-
ment of
Section 21
of principal
law.

3. Section *twenty-one* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following new section:—

“ 21. The committee as aforesaid shall be constituted in accordance with the following provisions:—

- (a) A separate committee shall be constituted at Johannesburg and at any such other place or places as may be approved by the Administrator by notice in the *Provincial Gazette*.
- (b) Every committee shall consist of not more than seven members or less than three members provided that Tattersalls at Johannesburg shall consist of seven members.
- (c) Of the seven members of Tattersalls at Johannesburg (referred to hereinafter as Witwatersrand Tattersalls) three shall be appointed by the Administrator; two shall be elected by the members of such Tattersalls, of these two one from and by the licensed bookmaker members of such Tattersalls and one from and by the ordinary members of such Tattersalls; and the remaining two shall be elected at a meeting consisting of one representative of each person or association of persons in possession of a licence to

hold race meetings under the provisions of this Ordinance on a race-course within a radius of twenty-five miles from the General Post Office, Johannesburg.

**Ord. No.
21 of 1930.**

- (d) Tattersalls at any place other than at Johannesburg may, subject to the provisions of paragraph (b) hereof be constituted by the Administrator by regulation in such manner as he shall think fit.
- (e) Elections of members of any Tattersalls shall be held and conducted in accordance with regulations made under this Ordinance.
- (f) If for any reason members are not elected at any election the Administrator may appoint any person or persons in addition to any of those who may be or have been appointed by the Administrator in order to make up the full number of members of Tattersalls.
- (g) The committee at Johannesburg known as Transvaal Tattersalls shall be known as Witwatersrand Tattersalls and shall continue in office until the 31st October, 1930."

4. Section *twenty-three* of the principal law shall be and is hereby amended as follows:—

Amend-
ment of
Section 23
of principal
law.

- (1) by the deletion of paragraph (l) and by the substitution therefor of the following new paragraph:—
- “(l) for the holding and conducting of nominations and elections of the members of any committee referred to in section *twenty* for fixing the date, place and time and the appointment of presiding officers at any such elections and for determining the qualifications of persons as members of any such committee and of persons entitled to vote at any such elections.”
- (2) by the deletion of paragraph (m) and

Ord. No.
21 of 1930.

by the substitution therefor of the following new paragraphs:—

“(m) for regulating and controlling the publication by bookmakers of information relating to betting on intended race or races in the Province of Transvaal or elsewhere provided that such publication shall not in any case take place until after the closing of nominations in connection with such race or races.

(n) for prohibiting any person or persons from advertising that any such person or persons will bet in connection with any intended race in any part of the Province of Transvaal or elsewhere provided that this paragraph shall not apply to circulars approved by any Tattersalls and issued by any licensed bookmakers who are members thereof.”

(3) by the addition thereto of the following new paragraphs:—

“(o) for empowering the committee with the consent of the Administrator to make grants of money towards the maintenance of any public hospital or to any fund created by proper authority for the relief of distress or poverty.

(p) for providing that no ante-post or straight-out betting shall be made at any place opened in accordance with section *twenty* upon any race the prize or stake in which is less than £300.”

Short Title. 5. This Ordinance may be cited for all purposes as the Horse Racing and Betting Amendment Ordinance, 1930, and shall come into operation upon such date as the Administrator shall declare by Proclamation in the *Provincial Gazette*.

AN ORDINANCE

Ord. No.
22 of 1930.

To apply a sum not exceeding £4,873,037 towards the Service of the Province of Transvaal during the year ending on the 31st day of March, 1931.

(Assented to 5th September, 1930.)
(Date of operation, 24th September, 1930.)
(English copy signed by Governor-General.)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. The Provincial Revenue Fund is hereby charged with such sums of money as may be required for the service of the Province during the year ending the 31st day of March, 1931, not exceeding in the aggregate the sum of four million eight hundred and seventy-three thousand and thirty-seven pounds as follows:—

Provincial Revenue Fund charged with £4,873,037.

To defray normal or recurrent expenditure	£4,257,388
To defray capital or non-re-current expenditure	615,649

2. The money appropriated by this Ordinance shall be applied to the services detailed in the Schedule hereto, and more particularly specified in the Estimates of Expenditure (No. T.P. 4 and 5 of 1930) as approved by the Provincial Council, and subject to section three hereof and to no other purpose.

How money to be applied.

3. With the approval of the Administrator, acting with the consent of the Executive Committee, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head or expenditure on a new sub-head of the same vote, provided that no excess shall be incurred on the sums appearing in column 2 of the Schedule hereto, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted.

Administrator may authorize variations.

4. The Roads Fund Account is hereby charged with such sums of money as may be required for the financial year ending the 31st day of March, 1931, not exceeding in the aggregate the sum of one hundred and ninety-five thousand five hundred pounds.

Roads Fund Account charged with £195,500.

Ord. No. Short title. 5. This Ordinance may be cited for all purposes as the Appropriation (1930-1931) Ordinance, 1930.
22 of 1930.

SCHEDULE.

No. of Vote.	Service.	Column 1.	Column 2.
		£	£
1	General Administration.....	91,965	—
	Including Grants to Public Libraries.....	—	970
2	Education.....	2,987,263	—
	Including :—		
	Grants to Aided Farm Schools	—	4,200
	Grants to Private Schools....	—	4,438
	Grants for Education of Eurafri- can and Asiatic Children....	—	250
	Education of Native Children.	—	124,815
	Grant to Isipingo Beach Home of Recovery.....	—	500
	Grant to Junior Red Cross Society.....	—	50
3	Hospitals and Charitable Institutions	417,975	—
	Including the following Grants :—		
	Hospitals falling under the provisions of the Public Hospitals Ordinance, 1928...	—	309,398
	Hospitals not falling under the provisions of the Public Hospitals Ordinance, 1928...	—	6,217
	Charitable Institutions.....	—	28,132
4	Roads, Bridges, and Local Works..	444,484	—
	Including :—		
	Grants to Local Authorities...	—	26,608
	Payments to Roads Fund....	—	171,000
5	Miscellaneous Services.....	7,745	—
	Including the following Grants :—		
	Warmbaths, Carolina District..	—	580
	National Park.....	—	3,000
	Angling Societies.....	—	25
6	Interest and Redemption.....	307,956	—
7	Capital Expenditure.....	615,649	—
	Including :—		
	Special Grant from Union Government for Road Con- struction.....	—	170,262
	Reconstruction of Main Reef Road.....	—	107,342
	Grant to Warmbaths Board of Trustees.....	—	1,500
		£ 4,873,037	
	Roads Fund Account.....£	195,500	

SKEDULE.

Ord. No.
22 van
1930.

No. van Pos.	Diens.	Kolom 1.	Kolom 2.
		£	£
1	Algemene Administrasie.....	91,965	—
	Insluitende Hulptoelae aan Openbare Biblioteke.....	—	970
2	Onderwys.....	2,987,263	—
	Insluitende :—		
	Toelae aan Ondersteunde Plaaskole.....	—	4,200
	Toelae aan Private Skole.....	—	4,438
	Toelae vir Onderwys aan Eurafrikaanse en Asiatiese Kinderes.....	—	250
	Onderwys aan Naturellekinders	—	124,815
	Toelae aan Isipingo Kus Reddingshuis.....	—	500
	Toelae aan Junior Rooikruis Vereniging.....	—	50
3	Hospitale en Liefdadige Instellings.	417,975	—
	Insluitende die volgende toelae :—		
	Hospitale wat onder die bepalinge van die Publieke Hospitale Ordonnansie, 1928, val..	—	309,398
	Hospitale wat nie onder die bepalinge van die Publieke Hospitale Ordonnansie, 1928, val nie.....	—	6,217
	Liefdadige Instellings.....	—	28,132
4	Weë, Brugge en Plaaslike Werke... Insluitende :—	444,484	—
	Toelae aan Plaaslike Outoriteite.....	—	26,608
	Betalings aan Weëfonds.....	—	171,000
5	Gemengde Dienste.....	7,745	—
	Insluitende die volgende toelae :—		
	Warmbad, Carolina Distrik....	—	580
	Nasionale Park.....	—	3,000
	Hengelvereniginge.....	—	25
6	Rente en Aflossing.....	307,956	—
7	Kapitaaluitgawe.....	615,649	—
	Insluitende :—		
	Spesiale Toelae van Unie Regering vir Padaanleg.....	—	170,262
	Heraanleg van Hoofrifpad....	—	107,342
	Toelae aan Warmbad Raad van Kuratore.....	—	1,500
		£	4,873,037
	Weëfondsrekening.....£	195,500	

Ord. No.
22 van
1930.

dag van Maart 1931, in die geheel die som van vier miljoen agthonderd drie-en-sewentig duisend en sewen-en-dertig pond nie te bowegaande, as volg:—

Vir bestryding van gewone of
wederkerende uitgawe... ... £4,257,388

Vir bestryding van kapitaal of
onwederkerende uitgawe ... 615,649

Aanwen-
ding van
gelde.

2. Die geld deur hierdie Ordonnansie toegeëien sal aangewend word vir die dienste wat omskryf is in bygevoegde skedule en meer in die besonder gespesifiseer in die Begroting van Uitgawe (Nos. T.P. 4 en 5 van 1930) soas deur die Prowinsiale Raad goedgekeur en onderwerp aan artikel *drie* hiervan en vir geen ander doel nie.

Adminis-
trateur mag
wysigings
magtig.

3. Met die goedkeuring van die Administrateur, wat handel met die toestemming van die Uitvoerende Komitee, kan 'n besparing op enige subhoof van 'n pos aangewend word tot dekking van meerdere uitgawe onder enige andere subhoof van uitgawe onder 'n nuwe subhoof van dieselfde pos mits dat geen meerdere uitgawe sal gemaak word op die somme wat voorkom in kolom 2 van bygevoegde skedule nie, ewemin sal besparings daarop beskikbaar wees vir enige doel ander as daardie waarvoor die geld hierby toegestaan word.

Weëfonds
rekening
belas met
£195,500.

4. Die Weëfonds Rekening word hierby belas met sulke geldsomme as mag nodig wees vir die finansiële jaar wat eindig op die 31ste dag van Maart 1931, in die geheel die som van een-honderd vyf-en-negentig duisend vyfhonderd pond nie te bowegaande nie.

Korte
Tittel.

5. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (1930-1931) Ordonnansie, 1930.

sal aangaan in verband met 'n aanstaande wedren in 'n deel van die Provinsie Transvaal of elders, met dien verstande dat hierdie paragraaf nie van toepassing is nie op omsendbriewe goedgekeur deur 'n Tattersalls en uitgestuur deur gelisensieerde „bookmakers” wat lede daarvan is.”

Ord. No.
21 van
1930.

(3) deur daaraan toe te voeg onderstaande nuwe paragrawe:—

„(o) om met toestemming van die Administrateur aan die komitee die bevoegdheid te verleen om geldelike toelaes toe te staan vir die onderhoud van 'n publieke hospitaal of vir 'n fonds wat 'n bevoegde outoriteit ingestel het vir die leniging van nood of armoede.

(p) om voorsiening te maak dat voor die aanvang van die wedren-byeenkoms geen weddenskap of regstreekse weddenskap aangegaan word nie op enige plek geopen ooreenkomstig artikel *twintig* ten opsigte van 'n wedren waarin die prys of inset minder as £300 is.”

5. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Perdewedrenne en Weddenskappe Wysigings Ordonnansie, 1930, en tree in werking op sodanige datum as die Administrateur by Proklamasie in die *Prowinsiale Offisiële Koerant* vasstel.

Korte
tietel.

'N ORDONNANSIE

Ord. No.
22 van

Tot aanwending van 'n som van hoogstens £4,873,037 vir die diens van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1931.

1930.

(Goedgekeur 5 September 1930.)

(Datum van inwerkingtree, 24 September 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Die Prowinsiale Inkomstefonds word hierby belas met sulke geldsomme as mag nodig wees vir die diens van die Provinsie gedurende die jaar wat eindig op die 31ste

Prowinsiale
Inkomste-
fonds belas
met
£4,873,037.

Ord. No.
21 van
1930.

- (e) Verkiesings van lede van enige Tattersalls word gehou en gelei ooreenkomstig regulasies gemaak in-gevolge hierdie Ordonnansie.
- (f) As daar om enige rede geen lede gekies word op 'n verkiesing nie, kan die Administrateur 'n persoon of persone buite en behalwe die wat hy mag benoem of benoem het, benoem om die aantal lede van Tattersalls voltallig te maak.
- (g) Die komitee in Johannesburg, bekend as Transvaal Tattersalls, word genoem die Witwatersrand Tattersalls en bly in funksie tot 31 Oktober, 1930."

Wysiging
van
Artikel 23
van die
hoofwet.

4. Artikel *drie-en-twintig* van die hoofwet word en is hierby gewysig as volg:—

- (1) deur paragraaf (l) te skrap en dit te vervang deur onderstaande nuwe paragraaf:—
- „ (l) vir die hou en lei van nominasies en verkiesings van die lede van 'n komitee genoem in artikel *twintig* vir die vasstel van die datum, plek en tyd en die benoeming van voorsittende beamptes by sodanige verkiesings en vir die vasstelling van die kwalifikasies van persone as lede van 'n sodanige komitee en van persone geregtig om te stem op 'n sodanige verkiesings.”
- (2) deur paragraaf (m) te skrap en dit te vervang deur onderstaande nuwe paragrafe:—
- „ (m) vir die reël en kontroleer van die publiseer deur „bookmakers” van inligtings betreffende die aangaan van weddenskappe op 'n voorge-
nome wedren of wedrenne in die Provinsie Transvaal of elders, met dien verstande dat sodanige publikasie in geen geval sal geskied nie voor die sluiting van nominasies in verband met sodanige wedren of wedrenne.
- (n) om enige persoon of persone te verbied om te adverteer dat sodanige persoon of persone 'n weddenskap

(3) deur daaraan toe te voeg die volgende nuwe subartikkel:—

„ (3) niemand wat geen lid van 'n Tattersalls is word toegelaat om weddenskappe aan te gaan op die uitslae van 'n wedren, van 'n plek genoem in subartikkel (1) hiervan nie.”

Ord. No.
21 van
1930.

3. Artikel *een-en-twintig* van die hoofwet word en is hierby herroep en word vervang deur die onderstaande nuwe artikel:

Wysiging
van
Artikel 21
van die
hoofwet.

„ 21. Bogenoemde komitee word saamgestel ooreenkomstig die volgende bepalings:—

- (a) 'n Afsonderlike komitee word saamgestel in Johannesburg en op sodanige ander plek of plekke soos die Administrateur goedkeur deur kennisgewing in die *Prowinsiale Offisiële Koerant*.
- (b) Elke komitee bestaan uit ten hoogste sewe lede en tenminste drie lede, met dien verstande dat Tattersalls in Johannesburg uit sewe lede sal bestaan.
- (c) Van die sewe lede van Tattersalls in Johannesburg (hierna Witwatersrand Tattersalls genoem) word drie benoem deur die Administrateur; twee word gekies deur die lede van sodanige Tattersalls, waarvan een uit en deur die gelisensieerde „bookmaker” lede van sodanige Tattersalls en een uit en deur die gewone lede van sodanige Tattersalls; en die orige twee word gekies op 'n vergadering bestaande uit een verteenwoordiger van elke persoon of vereniging van persone in besit van 'n lisensie vir die hou van wedrenbyeenkomste kragtens die bepalings van hierdie Ordonnansie op 'n renbaan binne 'n radius van vyf-en-twintig myl van die Algemene Poskantoor, Johannesburg.
- (d) Onderworpe aan die bepalings van paragraaf (b) hiervan, kan die Administrateur deur regulasie op sodanige manier as hy goeddink, Tattersalls instel op enige plek uitgenome Johannesburg.

62 PERSOONLIKE EN INKOMSTEBELASTINGS
WYSIGINGS.
PERDEWEDRENNE EN WEDDENSAPPE
WYSIGINGS.

Ord. No.
20 van
1930.

waar dit vir die eerste maal voorkom van die woorde in hakies:—

„(wanneer sodanige beampte 'n voltydse amptenaar is).”

Wysiging
van artikel
14 van
hoofwet

4. Artikel *veertien* van die hoofwet word en is hierby gewysig deur paragraaf (a) te skrap en dit te vervang deur onderstaande nuwe paragraaf:—

„(a) versuim of nalaat om 'n opgaaf te doen of inligtings te verstrek soos en indien deur hierdie Ordonnansie vereis.”

Korte
tietel.

5. Hierdie Ordonnansie mag vir alle doel-eindes aangehaal word as die Persoonlike en Inkomstebelastings Wysigings Ordonnansie, 1930.

Ord. No.
21 van
1930.

'N ORDONNANSIE

Tot Wysiging van die Perdewedrenne en Weddensappe
Ordonnansie 1927.

(Goedgekeur 26 Augustus 1930.)

(Datum van inwerkingtree, 1 Oktober 1930.)*

(Engelse kopie deur Goeverneur-Generaal geteken.)

DIET WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

Herroeping
van
Artikels
16 en 17
van die
hoofwet.

1. Artikels *sestien* en *sewentien* van die Perdewedrenne en Weddensappe Ordonnansie, 1927 (verder die hoofwet genoem) word en is hierby herroep.

Wysiging
van
Artikel 20
van die
hoofwet

2. Artikel *twintig* van die hoofwet word en is hierby as volg gewysig:—

(1) deur onderstaande veranderinge in sub-artikel (1):—

(a) skrap die woord „Transvaal”;
(b) na die woord „plek” voeg in die woorde „of plekke en takke van enige sodanige plek of plekke”;

(2) deur die woorde „ter plase” te skrap in subartikel (2) en daarvoor in die plaas te stel die woorde „op enige sodanige plek of plekke of by enige tak van sodanige plek of plekke.”

* Proklamasie No. 97, *Prowinsiale Koerant*, gedateer 10 September 1930, bladsy 297.

jaar ” en vervang die deur die woorde: „, Indien die belasting meer as £10 bedra, dog hoogstens £25, teen 20 persent per jaar ”;

(b) skrap die voorbehoudsbepaling;

(2) deur onderstaande nuwe subartikel daaraan toe te voeg, terwyl die teenswoordige subartikel (4) subartikel (5) word:—

„ (4) Die bedrag van ’n boete of boetes opgelê kragtens die bepalings van hierdie artikel sal nie hoër wees as die bedrag van die betrokke belasting of belastings nie.”

2. Artikel *sewe* van die hoofwet word en is hierby gewysig as volg:— Wysiging van artikel 7 van hoofwet.

(1) deur in die Afrikaanse lesing die woord „ werker ” te skrap en dit te vervang deur die woord „ werkgewer ”;

(2) deur onderstaande nuwe subartikel daaraan toe te voeg terwyl die oorspronklike artikel subartikel (1) daarvan word:—

„ (2) In geval ’n persoon wat ’n werker is, in gebreke bly om die deur hom verskuldigde belasting of belastings op of voor die voorgeskrewe datum te betaal, sal die Inkomste-amptenaar bevoeg wees om die werkgewer met die wanbetaling van sodanige persoon in kennis te stel en met die bedrag van die belasting of belastings en boete wat hy verskuldig is, en daarop sal sodanige belasting of belastings ’n skuld wees wat ten laste van sodanige werkgewer kom vir die doeleindes van artikel *nege*; met dien verstande dat die werkgewer geregtig sal wees om die deur hom betaalde bedrag af te trek van enige bedrag wat hy skuldig is of later skuldig word aan sodanige werker; en verder met dien verstande dat die werkgewer nie aanspreeklik sal wees nie bo die bedrag wat hy aan sodanige werker skuldig is of skuldig word.”

3. Subartikel (2) van artikel *agt* van die hoofwet word en is hierby gewysig deur opname na die woorde „, resident vrederegter ” Wysiging van artikel 8 van hoofwet.

Ord. No.
99 van
1930.

Wysiging
van artikel
twee-en-
tagtig van
die hoof-
wet.

7. Artikel *twee-en-tagtig* van die hoofwet word en is hierby gewysig:—

(a) deur die invoeging na die woord „, kragtens hierdie Ordonnansie” van die woorde:—

„, uitgenome besture van publieke hospitale wat in terme van artikel *vijf* geklassifiseer is as tweede klas oorgangshospitale;”

(b) deur onderstaande voorbehoudsbepaling daaraan toe te voeg:—

„, met dien verstande dat, in die geval van 'n publieke hospitaal, wat, soos voornoem, geklassifiseer is as 'n sentrale hospitaal, die Administrateur op aansoek van die bestuur, die vereistes betreffende die hou van registers kan ophef en daarna sal die bepalings van genoemde Ordonnansie ten opsigte van die hou van registers, nie van toepassing wees op sodanige hospitaal nie.”

Korte titel

8. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Publieke Hospitale Wysigings Ordonnansie, 1930.

Ord. No.
20 van
1930.

'N ORDONNANSIE

Tot wysiging van die Persoonlike en Inkomstebelastings Ordonnansie, 1928, in sekere opsigte.

(*Goedgekeur 11 Augustus 1930.*)

(*Datum van inwerkingtree, 27 Augustus 1930.*)

(*Engelse kopie deur Goewerneur-Generaal geteken.*)

DIET WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

Wysiging
van artikel
4 van hoof-
wet.

1. Artikel *vier* van die Persoonlike en Inkomstebelastings Ordonnansie, 1928 (hieronder die hoofwet genoem), word en is hierby gewysig as volg:—

(1) In subartikel (3)—

(a) skrap die woorde: „, Indien die belasting meer as £10 bedra, dog hoogstens £25, teen 25 persent per

4. Paragraaf (2) van subartikel (4) van artikel *nege-en-twintig* van die hoofwet word en is hierby gewysig deur die weglating van die twee voorbehoudsbepalings en deur die te vervang deur die onderstaande nuwe voorbehoudsbepaling:—

Wysiging van artikel *nege-en-twintig* van die hoofwet.

Ord. No. 19 van 1930.

„ met dien verstande dat 'n bestuur onderworpe aan die goedkeuring van die Administrateur—

- (i) sodanige beamptes buite die goedgekeurde staf, vasgestel soos voornoem, kan benoem as dit raadsaam ag;
- (ii) aan enige beampte 'n hoër salaris of loon kan betaal as wat betaalbaar is ooreenkomstig die skaal van toepassing op sodanige beampte;
- (iii) enige beampte spesiaal kan verhoog binne die skaal van toepassing op sodanige beampte.”

5. Artikel *ses-en-veertig* van die hoofwet word en is hierby gewysig deur die volgende nuwe subartikel daaraan toe te voeg:—

Wysiging van artikel *ses-en-veertig* van die hoofwet.

„ (3) 'n Bestuur kan, met goedkeuring van die Administrateur, in of aan die hospitaal onder sy toesig en beheer kosteloos ondersteuning verleen aan enige of alle van die volgende klasse van persone, as bevoorregte pasjente:—

- (a) lede van die bestuur of persone wat afhanklik van hulle is;
- (b) lede van die honorêre besoekende of gesalarieerde staf en persone wat afhanklik van hulle is;
- (c) mediese studente.”

6. Artikel *sewe-en-veertig* van die hoofwet word en is hierby as volg gewysig:—

Wysiging van artikel *sewe-en-veertig* van die hoofwet.

(1) In subartikel (2) deur die opname na die woord „ betaal ” van die volgende woorde:

„ in die geval van blankes en drie sjielings en ses pennies per dag en daarbo in die geval van nie-blankes.”

(2) Deur toevoeging tot subartikel (3) van die volgende woorde:

„ Die uitdrukking , geregistreeerde mediese praktisyn, ’ soos gebruik in hierdie subartikel, sluit in 'n mediese student.”

Ord. No.
19 van
1930.

'n vorm deur die Administrateur voorgeskryf ten opsigte van bedoelde persoon afgegee is deur die aalmoesener of ander amptenaar spesiaal vir die doel benoem, waaruit blyk dat bedoelde persoon nie in staat is om by te dra tot die koste van hospitaalbehandeling nie.

„Bevoorregte pasjent” beteken iemand wat, deurdat hy 'n lid is van 'n bestuur of van die honorêre of gesalarieerde staf van 'n bestuur, of van sodanige lid afhanklik is, of wat, deurdat hy 'n mediese student is, in die genot van ondersteuning wat kosteloos deur 'n bestuur verleen word kragtens bevoegdhede toegeken deur subartikel (3) van artikel *ses-en-veertig* van hierdie Ordonnansie.

(2) Deur opname na die woord „fonds” in die omskrywing van „bydraer” van die volgende woorde—

„of 'n skriftelike verpligting aangegaan het sodanige som ten volle of in paaielemente te betaal en binne 'n tydperk van 12 maande vanaf die datum van sodanige verpligting die betaling van sy skenking voltooi het, hetsy ten volle of tot 'n bedrag van nie minder as tien pond nie,”

Wysiging
van
artikel
tien van die
hoofwet.

2. Subartikel (1) van artikel *tien* van die hoofwet word en is hierby gewysig deur opname van die woorde „vanaf die aanvang van hierdie Ordonnansie” oral waar hulle voorkom in paragrawe (b), (c), (d) en (e) van die woorde:—

„of telkens wanneer 'n nuwe bestuur ingestel word na bedoelde aanvang, in terme van artikel *ag* (2) (a) of (b).”

Wysiging
van
artikel
agtien van die
hoofwet.

3. Artikel *agtien* van die hoofwet word en is hierby herroep en word vervang deur onderstaande nuwe artikel:—

„18. Die instelling van 'n bestuur en alle handeling van die bestuur of van enige persoon wat as voorsitter, visevoorsitter, lid van die bestuur of sekretaris of superintendent fungeer (al na die geval mag wees) sal, niesteenstaande daar ontdek word dat daar 'n gebrek was in die verkiesing of benoeming van die persoon wat aldus fungeer of dat hy gediskwalifiseer was, net so geldig en doeltreffend wees as of die persoon behoorlik gekies of benoem en gekwalifiseer was.”

en niemand zal wegens geslacht onbevoegd zijn om tot kommissielid benoemd of gekozen te worden."

Ord. No.
18 van
1930.

2. (1) Daar sal geen geregtelike vervolging ingestel word teen die Administrateur of die Direkteur van Onderwys, al na die geval mag wees, nie, ten opsigte van iets gedoen of versuim onder die Onderwyswet, 1907, of enige wysiging daarvan, tensy die vervolging ingestel is voor die verstryk van twaalf maande na die daad van beweerde versuim.

Beperking
van
geregtelike
vervolging.

(2) Geen sodanige vervolging sal ingestel word nie binne tenminste een maand nadat die Administrateur of die Direkteur van Onderwys, al na die geval mag wees, skriftelik in kennis gestel is van die voorneme om sodanige vervolging in te stel. In sodanige kennisgewing moet die beweerde daad van versuim duidelik en uitdrukkelik vermeld word.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Onderwyswet Wysigingsordonnansie 1930.

Korte tittel.

'N ORDONNANSIE

Tot Wysiging van die Publieke Hospitale Ordonnansie, 1928, in sekere opsigte.

Ord. No.
19 van
1930.

(Goedgekeurd 22 Julie 1930.)

(Datum van inwerkingtree, 13 Augustus 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Artikel twee van die Publieke Hospitale Ordonnansie, 1928 (hierna die hoofwet genoem) word en is hierby gewysig

Wysiging
van
artikel
twee van die
hoofwet.

(1) deur die byvoeging van die volgende nuwe definiesies:—

„ Gratis pasjent ” beteken iemand (uitgenome 'n bevoorregte pasjent) wat van 'n bestuur van 'n publieke hospitaal kosteloos hulp ontvang en ten opsigte van wie subsidie betaalbaar is in terme van artikel *sewe-en-vyftig* van hierdie Ordonnansie, met dien verstande dat niemand as 'n gratis pasjent tot 'n sentrale of 'n eerstegraads hospitaal sal toegelaat word nie, tensy 'n sertifikaat in

Ord. No.
17 van
1930.

Korte
tietel.

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Transvaalse Onderwysers Pensioene Wysigings Ordonnansie, 1930, en moet as een geheel met die hoofwet gelees word.

Ord. No.
18 van
1930.

'N ORDONNANSIE

Tot wysiging van die Onderwyswet 1907.

(Goedgekeurd 22 Julie 1930.)

(Datum van inwerkingtree, 13 Augustus 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

Wysiging
van
artikel
67 van die
Onder-
wyswet
1907.

1. Sub-artikel (1) van artikel *sewen-en-sestig* van die Onderwyswet 1907, soos gewysig deur artikel *twee* van die Onderwyswet Wysigingswet 1908, word en is hierby gewysig deur daarin te skrap die woorde vanaf „ en elke zodanige kommissie zal in dienst blijven gedurende een tydperk van drie jaren ” tot en met die woorde „ omdat hij een vreemde-ling is ” en die te vervang deur die woorde:—

„ en elke zodanige kommissie zal in functie blijven gedurende een tydperk van drie jaar. Elke meerderjarige blanke persoon is bevoegd om gekozen te worden tot lid van een schoolkommissie, mits hij woonachtig is binnen het schooldistrikt of binnen zes mijl van de grenzen daarvan, uitgezonderd—

- (a) iemand die te eniger tijd schuldig bevonden is aan een overtreding waarvoor gevangenisstraf met harde arbeid opgelegd is, tenzij hij algehele kwijschelding verkregen heeft of het tydperk van zijn gevangenisstraf verstreken is ten minste drie jaar voor de datum van zijn benoeming of verkiezing;
- (b) iemand die volgens de verklaring van een bevoegd hof gekrenkte geestvermogens heeft;
- (c) een ongerehabiliteerde insolvente schuldenaar;
- (d) een onderwijzer aan een school of inrichting, of een ambtenaar van het Departement;

stig die bepalings van die vorige subartikel sal 'n jaargeld ontvang soos vasgestel in subartikel (1) van artikel *agt* van die hoofwet, onderworpe aan 'n aftrekking van een-derde van een persent ten opsigte van elke maand of gedeelte daarvan wat die ouderdom van sodanige onderwyseres by aftreding onder die ouderdom van 55 jaar is.

Ord. No.
17 van
1930.

2. Paragraaf (a) van subartikel (b) van artikel *drie* van die Transvaalse Onderwysers Pensioene Ordonnansie, No. 5 van 1916, soos aangevul deur artikel *twee* van die Transvaalse Onderwysers Pensioene Wysigingsordonnansie, No. 12 van 1928, word en is hierby gewysig deur weglating van die volgende woorde:—

Wysiging
van Artie-
kel 3 van
hoofwet.

„ of wat na die voltooiing van 'n opleidingskursus in 'n inrigting in stand gehou deur die Departement in terme van artikel *ses-en-twintig* van die Onderwyswet, 1907, na 1 Januarie 1929 benoem word in 'n pos in terme van artikel *nege-en-sewentig* van die Onderwyswet, 1907.”

3. Elke onderwyser wat na die voltooiing van 'n opleidingskursus aan 'n inrigting in stand gehou deur die Departement in terme van artikel *ses-en-twintig* van die Onderwyswet, No. 25 van 1907, na 1 Januarie 1929 benoem was in 'n pos in terme van artikel *nege-en-sewentig* van die Onderwyswet, No. 25 van 1907, en wat op die datum van in werking tree van hierdie Ordonnansie tot die fonds bygedra het ooreenkomstig die bepalings van paragraaf (a) van subartikel (b) van artikel *drie* van die Transvaalse Onderwyserspensioene Ordonnansie, No. 5 van 1916, soos aangevul deur artikel *twee* van die Transvaalse Onderwysers Pensioene Wysigingsordonnansie, No. 12 van 1928, sal vanaf sodanige datum nie meer bydra nie en aan hom sal die bedrag van sy eie bydraes tot die fonds terugbetaal word, saam met rente teen 3 persent per jaar bereken tot die datum van die in werking tree van hierdie Ordonnansie, en die bedrag van die bydraes betaál deur die Administrasie ten opsigte van sodanige onderwyser, sal aan die inkomste terugbetaal word saam met rente teen 3 persent bereken tot op die datum van die inwerking tree van hierdie Ordonnansie.

Terugbeta-
ling van by-
draes van
onderwy-
sers in
sekere
omstandig-
hede.

Ord. No.
16 van
1930.

(2) Die lede van die komitee van beheer van 'n pensioenfonds, of by gebreke van 'n komitee van beheer die lede van die plaaslike bestuur, sal nie aanspreeklik wees om enige tekort in die pensioenfonds te vergoed nie, maar sal alleen aanspreeklik wees vir somme geld wat hulle werklik ontvang het ten behoeve van die pensioenfonds.

(3) Alle regsvooreringe van 'n siviele aard deur of teen 'n pensioenfonds sal ingestel of geneem word deur of teen die pensioenfonds onder sy regsbevoegde naam soos vermeld in subartikel (1) van hierdie artikel en geen sodanige regsvoorering sal ingestel word teen 'n lid van 'n pensioenfonds individueel ten opsigte van 'n verpligting van die pensioenfonds alleen omrede dat hy 'n lid is nie.

HOOFSTUK V.

Herroeping
van Wet.

52. Subartikel (33) van artikel *nege-en-sewentig* van die Plaaslike Bestuur Ordonnansie, 1926, word hierby herroep, uitgenome ten opsigte van bestaande pensioenfondse van plaaslike besture wat nie hierdie Ordonnansie aangeneem het nie.

Korte
tietel en
datum van
in-werking-
treeding.

53. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Plaaslike Bestuur Pensioen Ordonnansie, 1930, en sal aanvang en in werking tree op 'n datum vasgestel by proklamasie van die Administrateur.

Ord. No.
17 van
1930.

'N ORDONNANSIE

Tot Wysiging van die Transvaalse Onderwysers Pensioene
Ordonnansie No. 5 van 1916 in Sekere Opsigte.

(Goedgekeur 12 Julie 1930.)

(Datum van inwerkingtree, 30 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal **BEPAAL** as volg:—

1. (1) Ongeag enige bepaling in die Transvaalse Onderwysers Pensioene Ordonnansie No. 5 van 1916, soos van tyd tot tyd gewysig (hierna die hoofwet genoem) kan 'n onderwyseres wat die ouderdom van 50 jaar bereik het, met pensioen aftree.

(2) 'n Onderwyseres wat aftree ooreenkom-

fikasie wat hy ontvang het, saam met samegestelde rente teen vier en 'n half persent per jaar, bereken vanaf die datum waarop hy sodanige gratifikasie ontvang het tot aan die datum of datums van betaling, en verder met dien verstande dat die som wat die fonds van die eerste plaaslike bestuur sal betaal aan die fonds van die plaaslike bestuur waarby hy hom aangesluit het, verminder sal word met die bedrag van genoemde gratifikasie, saam met samegestelde rente teen vier en 'n half persent per jaar, vanaf die datum waarop die gratifikasie betaal is tot aan die datum waarop hy by die tweede plaaslike bestuur in diens tree.

Ord. No.
16 van
1930.

49. 'n Beampte van 'n plaaslike bestuur wat ruil met 'n beampte van 'n ander plaaslike bestuur, vir 'n tydperk van ten hoogste een jaar, sal voortgaan om by te dra tot die pensioenfonds van die plaaslike bestuur vanwaar hy omgeruil word en sodanige plaaslike bestuur sal voortgaan om tot sodanige pensioenfonds by te dra; die bydraes wat aldus voortgeset word sal bereken word op die pensioendraende emolumente wat die beampte getrek het onmiddellik voor die datum waarop hy omgeruil is.

Rulling
van
beampte
tussen
Plaaslike
Besture.

50. 'n Beampte wat vir 'n tydperk van ten hoogste twee jaar tydelik werksaam gestel word by 'n ander plaaslike bestuur, sal gedurende bedoelde tyd voortgaan om by te dra tot die pensioenfonds van die plaaslike bestuur vanwaar hy tydelik werksaam gestel is, en die bydraes betaalbaar deur die plaaslike bestuur vanwaar hy tydelik werksaam gestel is sal betaal word deur die plaaslike bestuur waarna hy tydelik werksaam gestel is; sodanige bydraes sal bereken word na die pensioendraende emolumente wat die beampte getrek het onmiddellik voor die datum waarop hy tydelik werksaam gestel is.

Beampte
tydelik
werksaam
gestel
by 'n
ander
Plaaslike
Bestuur.

51. (1) Vir die doeleindes van hierdie Ordonnansie sal dit geag word dat elke pensioenfonds 'n liggaam met regsbevoegdheid is, en as sodanig sal alle eiendom wat daartoe behoort berus by die pensioenfonds onder sy eie naam. Met „ sy eie naam ” word bedoel die naam waarby die pensioenfonds bekend is in sy statute of in die skema ontwerp vir die aanneming van hierdie Ordonnansie of in die proklamasie van die Administrateur wat die statute van die pensioenfonds goedkeur.

Die fonds
kan
eiendom
hê en kan
dagvaar of
gedagvaar
word in sy
eie naam.

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—
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fonds, met dien verstande dat, as die bedrag in paaiemente betaal word, daarby samegestelde rente gevoeg moet word teen vier en 'n half persent per jaar, bereken vanaf die datum van verplasing.

- (vii) As die eerste oordragswaarde minder is as die tweede oordragswaarde, sal die beampte die balans betaal aan die tweede fonds, hetsy in een som of in paaiemente goedgekeur deur die komitee van beheer van die tweede fonds, met dien verstande dat, as die bedrag in paaiemente betaal word, samegestelde rente daarby gevoeg moet word teen vier en 'n half persent per jaar, bereken vanaf die datum van verplasing.
- (viii) As die eerste oordragswaarde minder is as die tweede oordragswaarde, terwyl die pensioendraende dienstyd in die tweede fonds dieselfde is as dié in die eerste fonds, sal die beampte die reg hê om die pensioendraende dienstyd in die tweede fonds te verminder, sodat die balans van oordragswaarde wat hy moet betaal verminder of vereffen word, maar nie in groter mate nie.
- (ix) Die oordragswaardes genoem in hierdie paragraaf sal vasgestel word deur 'n aktuaris.

(b) Die bepalings van subparagraaf (viii) van die vorige paragraaf sal toegepas word waar hulle van toepassing is op gevalle wat ontstaan ooreenkomstig die vorige subartikkel.

(c) Paragraaf (a) van hierdie subartikkel is van toepassing in enige geval waar een van die betrokke plaaslike besture geleë is in die Unie buite Transvaal, met dien verstande dat sodanige plaaslike bestuur of sy pensioenfonds dergelike wederkerige bepalings aangeneem het.

(5) As daar 'n gratifikasie betaal is kragtens artikels *twee-en-twintig*, *drie-en-twintig* of *vier-en-twintig*, en die beampte later in diens van 'n ander plaaslike bestuur tree, binne ses maande nadat hy die diens van die eerste plaaslike bestuur verlaat het, moet een van die vorige subartikels toegepas word as dit van toepassing is, met dien verstande dat die beampte aan die fonds van die plaaslike bestuur waarby hy hom aangesluit het in een som of in paaiemente, al na die komitee van beheer bepaal, betaal die bedrag van die grati-

sodanige pensioenfonds, betaal kan word in paaiemente, saam met samegestelde rente teen vier en 'n half persent per jaar.

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(4) (a) In enige geval uitgenome dié vermeld in die vorige subartikel van hierdie artikel, waar 'n beampte oorgaan uit die diens van 'n plaaslike bestuur na die diens van 'n ander plaaslike bestuur, binne ses maande nadat hy die diens van die eerste plaaslike bestuur verlaat het, en waar elke sodanige plaaslike bestuur 'n pensioenfonds het, sal die volgende bepalings van toepassing wees:—

- (i) In hierdie paragraaf word die plaaslike bestuur en die pensioenfonds waaruit die beampte oorgaan respektieflik die eerste bestuur en die eerste fonds genoem, en die plaaslike bestuur en die pensioenfonds waarna hy oorgaan respektieflik die tweede bestuur en die tweede fonds genoem.
- (ii) Die beamptes moet voldoen aan die voorwaardes vasgestel vir bevoegdheid as lid in die tweede fonds, uitgesonderd dié wat voorsiening maak vir 'n maksimum ouderdom of vir bewyse van gesondheid.
- (iii) Vanaf die datum van verplasing moet die beampte tot die tweede fonds bydra teen die tarief van toepassing op sy ouderdom by die begin van sy pensioendraende dienstryd met die eerste fonds, of van toepassing op sodanige later datum vanaf welke hy verkies sy pensioendraende dienstryd sal begin in die tweede fonds.
- (iv) Die eerste fonds sal aan die tweede fonds die bedrag betaal wat dit besit ten opsigte van die beampte op die datum van verplasing, wat die eerste oordragswaarde genoem word.
- (v) Die tweede fonds sal die bedrag ontvang wat dit behoort te besit ten opsigte van die beampte op die datum van verplasing, rekening houdende met die pensioendraende dienstryd voor daardie datum, wat die tweede oordragswaarde genoem word.
- (vi) As die eerste oordragswaarde groter is as die tweede oordragswaarde, sal die tweede fonds die balans betaal aan die beampte, hetsy in een som of in paaiemente goedgekeur deur die komitee van beheer van die tweede

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plaaslike bestuur getree het, sal die fonds van die eerste plaaslike bestuur aan die fonds van die tweede plaaslike bestuur 'n oordragswaarde betaal wat vasgestel sal word ooreenkomstig die bepalings wat die Administrateur vir die doel maak [hierna in subartiekels (1), (2) en (3) van hierdie artikel „oordragswaarde” genoem] en die beamppte kan aanspraak maak op sodanige regte ten opsigte van dienstyd voor die datum van verplasing as waartoe hy geregtig sou gewees het as sodanige dienstyd alleen by die tweede plaaslike bestuur was.

(2) 'n Beamppte wat oorgaan van die diens van 'n plaaslike bestuur wat geen pensioenfonds het nie, na die diens van 'n tweede plaaslike bestuur wat hierdie Ordonnansie aangeneem het, binne ses maande nadat hy uit die diens van die eerste plaaslike bestuur getree het, sal, as hy in plek van genoemde oordragswaarde 'n som of somme betaal wat vasgestel word ooreenkomstig bepalings wat die Administrateur sal maak, geregtig wees om dienstyd by die eerste plaaslike bestuur heeltelmal of gedeeltelik te reken ooreenkomstig die bedrag van die som aldus betaal en ooreenkomstig sodanige bepalings.

(3) As 'n beamppte wat onderworpe is aan die bepalings van Hoofstuk II oorgaan uit die diens van 'n plaaslike bestuur wat hierdie Ordonnansie aangeneem het na die diens van 'n tweede plaaslike bestuur wat nie hierdie Ordonnansie aangeneem het nie, maar wat 'n pensioenfonds het, binne ses maande nadat hy die diens van die eerste plaaslike bestuur verlaat het, sal die fonds van die eerste plaaslike bestuur aan die pensioenfonds van die tweede plaaslike bestuur 'n oordragswaarde betaal, en in daardie geval kan die beamppte aanspraak maak op sodanige regte ten opsigte van dienstyd voor die datum van verplasing as waarop hy aanspraak kon gemaak het as sodanige diens by die tweede plaaslike bestuur was; met dien verstande dat enige verskil tussen sodanige oordragswaarde en die bedrag wat die pensioenfonds van die tweede plaaslike bestuur sou ontvang het ten opsigte van die beamppte, op die datum van verplasing soos bereken deur 'n aktuaris, aan sodanige pensioenfonds betaal word deur die beamppte, of uit sodanige pensioenfonds aan die beamppte, al na die geval mag wees; maar verder met dien verstande dat enige sodanige verskil, na goedvinde van die komitee van

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- die hydraes betaal deur elke sodanige plaaslike bestuur ten opsigte van die lopende diens van sy beamptes gedurende die finansiële jaar ten opsigte waarvan die hydrae betaalbaar is;
- (g) subartikel (1) van artikel *een-en-veertig* is nie van toepassing op die gemeenskaplike fonds nie en dit word vervang deur die volgende subartikel: „ Die beheer en leiding van die gemeenskaplike fonds berus by 'n algemene komitee, en sodanige algemene komitee sal 'n kleiner komitee van beheer kies met al die bevoegdhede wat voorheen berus het by die algemene komitee, en sodanige komitee van beheer sal bevoeg wees om 'n bestuur of ander subkomitee te benoem met sodanige opgedra bevoegdhede as nodig geag word. Sodanige komitee sal saamgestel wees uit 'n gelyke aantal lede genomineer deur die plaaslike besture en lede gekies deur lede van die gemeenskaplike fonds ”;
- (h) die skema genoem in subartikel (2) van artikel *een-en-veertig* sal voorsiening maak vir die aantal lede van elke komitee genoem in die vorige paragraaf en vir die wyse en tye van verkiesing of benoeming van elke sodanige komitee;
- (i) in artikel *vyf-en-veertig* word die woorde „ die plaaslike bestuur ” vervang deur die woorde „ die meerderheid van die plaaslike besture wat die gemeenskaplike fonds vorm. ”

HOOFSTUK IV.—GEMENGDE BEPALINGS.

47. Die bepalings van hierdie hoofstuk is van toepassing op elke pensioenfonds of plaaslike bestuur wat hierdie Ordonnansie aangeneem het of miskien later sal aanneem en op sodanige ander wat hierdie hoofstuk aanneem as 'n byvoeging by die statute van sy pensioenfonds.

Toepassing
van die
Hoofstuk.

48. (1) As 'n beampte wat onderworpe is aan die bepalings van Hoofstuk II oorgaan van die diens van 'n plaaslike bestuur wat hierdie Ordonnansie aangeneem het, na die diens van 'n ander plaaslike bestuur wat hierdie Ordonnansie aangeneem het, binne ses maande nadat hy uit die diens van die eerste

Verplasing
van
beampte
van een
Plaaslike
Bestuur
na 'n ander
Plaaslike
Bestuur.

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- plaaslike bestuur wat ook daarby aangesluit is nie, wat beskou kan word as verlof sonder salaris en wat die komitee kan kondoneer; en
- (ii) insluit dienstyd by alle plaaslike besture wat aangesluit is by die gemeenskaplike fonds;
- (c) artikel *vyf-en-twintig* is van toepassing op 'n lid wat uit die diens tree van 'n plaaslike bestuur wat aangesluit is by die gemeenskaplike fonds en wat binne 'n tydperk van twaalf maande in diens geneem word deur 'n ander plaaslike bestuur wat daarby aangesluit is, met dien verstande dat die ander bepalings van genoemde artikel ook van toepassing is;
- (d) die bepalings van subartikel (2) van artikel *agt-en-twintig* is van toepassing met die volgende byvoeging—
„ As daar onder die gemeenskaplike fonds 'n surplus of tekort ontstaan deur enige oorsaak, uitgenome veranderinge in die sterfte of geskatte toekomstige sterfte van lede of berekening van die aktuaris vir verandering of hersiening tengevolge van salaris- of loonsomstandighede, of berekening van die aktuaris vir pensioene om gesondheidsredes, sal die tariewe van bydrae van die plaaslike bestuur nie verander word nie, en in plek daarvan sal die voordele verhoog of die tariewe van bydrae betaalbaar deur lede verhoog of verlaag word, al na die toestand dit vereis ”;
- (e) enige bedrag betaalbaar deur die plaaslike bestuur kragtens die bepalings van subartikel (2) van artikel *ses-entertig* sal bygedra word deur die plaaslike besture wat by die gemeenskaplike fonds aangesluit is na verhouding van die bydraes betaal deur elke sodanige plaaslike bestuur ten opsigte van die lopende diens van sy beamptes wat nie onder die bepalings van Hoofstuk II kom nie gedurende die finansiële jaar ten opsigte waarvan die bedrag betaalbaar is;
- (f) enige bydrae betaalbaar deur die plaaslike bestuur kragtens die bepalings van subartikel (3) van artikel *agt-entertig* sal bygedra word deur die plaaslike besture wat by die gemeenskaplike fonds aangesluit is na verhouding van

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43. (1) Onderworpe aan die goedkeuring van die Administrateur kan die komitee van tyd tot tyd bepalings maak vir sy eie leiding, of om die afhandeling van die sake van die fonds te vergemaklik, mits sodanige bepalings nie in stryd is met hierdie Ordonnansie of met die gees of doeleindes van die fonds nie.

Komitee
word
toegelaat
om
bepalings
te maak.

(2) Die komitee kan van tyd tot tyd geskikte bepalings aanneem in die geval van stukwerk of ander werkers vir die berekening van die jaarlikse pensioendraende emolumente, en sodanige bepalings sal voorsiening maak dat die maandelikse pensioendraende emolumente waarop bydraes uitbetaal word, een twaalfde sal wees van sodanige jaarlikse pensioendraende emolumente.

44. Die komitee sal die boeke en rekeninge van die fonds ten minste eenmaal per jaar laat ouditeer.

Jaarlikse
Oudit.

45. Enige bepalings of regulasies van die fonds of van die skema vir die aanneming van hierdie Ordonnansie kan van tyd tot tyd deur die komitee verander of gewysig word, onderworpe aan die goedkeuring van—

Wysiging
van
bepalings
van
skema.

- (a) die plaaslike bestuur;
- (b) die meerderheid van die lede van die fonds; en
- (c) die Administrateur;

met dien verstande dat enige verandering wat hoogs waarskynlik van invloed sal wees op die finansiële posisie, ook goedgekeur moet word deur 'n aktuaris.

HOOFSTUK III.—ADDISIONELE BEPALINGS VAN TOEPASSING OP DIE GEMEENSKAPLIKE FONDS.

46. Die bepalings van Hoofstuk II is *mutatis mutandis* van toepassing op die gemeenskaplike fonds, onderworpe aan onderstaande wysiginge—

Toepassing
van
Hoofstuk
II op
Gemeen-
skaplike
Fonds.

- (a) in artikel nege sal „komitee” insluit die algemene komitee en die komitee van beheer genoem in paragraaf (g) van hierdie artikel;
- (b) „onafgebroke diens tyd” omskrywe in artikel nege, sal ten opsigte van diens tyd op of na die datum genoem in artikel vier—

- (i) nie beskou word as onderbreek deur onderbrekings van diens tyd gedurende oorplasing van een plaaslike bestuur wat by die gemeenskaplike fonds aangesluit is, na 'n ander

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nansie omdat 'n lid op aktiewe militêre diens was, sal, nadat die feite bewys is tot bevrediging van die komitee, heeltemal buite beskouing gelaat word, en die tydperk van sodanige dienstyd sal ingesluit word in die tydperk van onafgebroke dienstyd. Die pensioendraende emolumente van die lid onmiddellik voor hy aan sodanige militêre diens deelgeneem het, sal behandel word as sy pensioendraende emolumente gedurende die tydperk van sodanige militêre diens.

Komitee.

41. (1) Die beheer en leiding van die fonds sal berus by 'n komitee van beheer, saamgestel uit lede genomineer deur die plaaslike bestuur en 'n gelyke aantal lede gekies deur lede van die fonds.

(2) Die skema vir die aanneming van hierdie Ordonnansie sal *onder ander* die volgende besonderhede betreffende die fonds insluit:—

- (a) die aantal lede;
- (b) die wyse van benoeming van 'n voorsitter;
- (c) die wyse en tye van nominasie of verkiesing van lede;
- (d) die kworum vereis vir afhandeling van sake;
- (e) die wyse van benoeming van 'n subkomitee of andersins as dit noodsaaklik of wenslik geag word.

Bevoegd-
hede van
die
komitee

42. Onderworpe aan die bepalings van hierdie Ordonnansie besit die komitee die bevoegdheid om alle aansoeke vir toelating tot die fonds te ondersoek, goed te keur, te bekragtig of te verwerp, met dienverstande egter dat enige persoon van wie die aansoek verwerp is, die reg sal hê om hom te beroep op die Administrateur wie se beslissing finaal sal wees; om alle kwessies waarvoor origens geen voorsiening gemaak is ten opsigte van bydraes, te vereffen; om die tydperke van dienstyd waarvoor bydraes gemaak kan word of wat ingesluit kan word vir pensioendoeleindes te ondersoek, goed te keur of vas te stel; om alle vordering teen die fonds te reël en daaroor te beslis; om magtiging te verleen vir die betaling van vordering teen die fonds; om magtiging te verleen vir die betaling van alle pensioene, voordele of terugbetalings, en om al die pligte in terme van, en soos voorgeskryf in hierdie hoofstuk, uit te voer en te vervul.

(2) Hierdie artikel is nie van toepassing nie op enige fondse belê op die datum van aanneming van hierdie Ordonnansie totdat sodanige fondse beskikbaar word vir nuwe belegging.

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(3) As die rentekoers verkry op al die gelde (met inbegrip van enige onbelegde gelde) van die fonds gedurende enige finansiële jaar laer is as vier en 'n half persent, sal die plaaslike bestuur so'n som tot die fonds bydra as, indien dit gevoeg word by die rente wat werklik verkry is, die koers gedurende sodanige finansiële jaar tot vier en 'n half persent sou verhoog.

Vir hierdie doel sal die rentekoers gedurende 'n finansiële jaar bereken word deur die rente verkry gedurende sodanige jaar, te deel deur 'n bedrag gelyk aan die gemiddelde van die fonds by die begin en aan die end van sodanige jaar mienus die helfte van sodanige rente.

39. (1) Die komitee kan volstreek na eie goedwinde op versoek van die betrokke lid, en onderworpe aan die oorlegging van 'n bevredigende mediese sertifikaat, 'n jaargeld van ses-en-dertig pond of daaronder omset in 'n enkele kontantbetaling deur die aktuaris bereken ooreenkomstig die tydperk gedurende welke die betrokke lid verwag kan word om die jaargeld te trek.

Omsetting
van
jaargelde.

(2) Die komitee kan, op versoek van die betrokke lid, in dergelike omstandighede, sodanige gedeelte van 'n jaargeld wat nie meer as een-derde daarvan bedra nie, omset in 'n enkele kontantbetaling wat op dieselfde wyse bereken word.

40. (1) Ten opsigte van beamptes in diens van 'n plaaslike bestuur wat op die datum van aanneming van hierdie Ordonnansie nie aangesluit is by 'n pensioenfonds nie, kan die komitee, by die beslissing watter deel van die dienstyf voor sodanige datum ingesluit kan word vir pensioendoeleindes en, onderworpe aan subartikel (2) van hierdie artikel, onderbrekings van dienstyf van ten hoogste twaalf maande kondoneer, maar sodanige onderbrekings moet behandel word as verlof sonder salaris en sal nie meegetel word by die berekening van die tydperk van onafgebroke dienstyf nie.

Wanneer
onder-
brekings
van
dienstyf
gekondoneer kan
word.

(2) Enige onderbreking van dienstyf voor die datum van aanneming van hierdie Ordon-

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like bestuur in sodanige jaar betaal het ten opsigte van die lopende diens van lede wat nie onder die bepalings van hierdie hoofstuk kom nie, tot die totale bydraes wat sodanige plaaslike bestuur in sodanige jaar betaal het ten opsigte van die lopende diens van lede.

Bewyse
van
ouderdom
moet
oorgelê
word.

37. Elke lid moet binne ses kalendermaande vanaf die aanvang van bydraes tot die fonds bewyse van ouderdom tot bevrediging van die komitee oorlê.

Belegging
van
fondse er
waarborg
van rente

38. (1) Die belegging van alle gelde wat nie vereis word tot dekking van die lopende koste van die fonds sal geskied na goedvinde van die komitee wat gemagtig is om op enige van die volgende maniere te belê—

- (a) in die Posspaarbank of in die spaarbank van enige bank of instelling wat beheer word volgens die bankwette van die Unie, of op vaste deposito of opvorderbaar, by enige sodanige bank of instelling of by enige plaaslike bestuur in die Unie;
- (b) in Skatkiswissels, Unie-leningsertifikate of Spaarbanksertifikate uitgereik deur of namens die Unie-regering, of in effekte, sekuriteite of fondse uitgereik of gewaarborg deur die Unie-regering;
- (c) in die effekte, fondse of obligasies van, of in lenings aan, enige Prowinsiale Administrasie, plaaslike bestuur of publieke liggaam in die Unie wat volgens wet gemagtig is om geld te leen;
- (d) op eerste verband op eiendom in Transvaal wat eerste klas huurgelde oplewer, terwyl die bedrag van die verband in geen geval meer mag bedra as vyftig persent van die markwaarde van die eiendom soos aangetoon deur 'n bedigde taksateur;
- (e) in sodanige ander sekuriteit of sekuriteite wat individueel of as 'n klas goedgekeur word deur die Administrateur;
- (f) onderworpe aan die goedkeuring van die Administrateur wat vooraf verkry moet word, in Goewermentsekuriteite van die Verenigde Koninkryk of enige ander dominium of kolonie van die Verenigde Koninkryk.

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35. (1) Enige bydraende lid van wie die pensioendraende emolumente verminder word om enige rede, uitgenome wangedrag, of enige bydraende lid wat uit die diens van 'n plaaslike bestuur met laer pensioendraende emolumente oorgaan na die diens van 'n ander plaaslike bestuur van wie se fonds hy lid word (mits hy die diens van die vorige plaaslike bestuur nie weens wangedrag verlaat het nie) sal toegelaat word om na keuse met sy bydraes voort te gaan of om sy bydraes te maak op die basis van sy hoër pensioendraende emolumente, en as hy van hierdie keuse gebruik maak, sal enige voordele kragtens hierdie hoofstuk betaalbaar ten opsigte van sodanige lid, bereken word asof sodanige hoër pensioendraende emolumente sou voortgegaan het om betaalbaar te wees.

Hoe gehandel moet word in geval van vermindering van pensioendraende emolumente of diensure.

(2) Wanneer die gewone diensure van 'n afdeling lede verminder is as 'n besuinigingsmaatreeël sal sodanige lede voortgaan om by te dra op die emolumente waarop hulle bygedra het onmiddellik voor die vermindering en vir alle doeleindes van die fonds sal die emolumente waarop 'n lid bydra beskou word as sy pensioendraende emolumente.

36. (1) Alle koste in verband met of behorende by die beheer of administrasie van die fonds, sowel as die koste van die oudit en die ondersoek van die aktuaris, word gedra deur die fonds; met dien verstande dat in die geval van die gemeenskaplike fonds die reiskoste nodig vir die beheer van die fonds in gelyke aandeel gedra word deur die plaaslike bestuure wat daarby aangesluit is.

Hoe die koste van beheer gedra word.

(2) Ongeag die bepalinge van die vorige subartikkel, sal, as daar in 'n skema vir die aanneming van hierdie Ordonnansie bepaal is dat lede van 'n bestaande pensioenfonds op die datum van aanneming die reg sal hê om te kies om nie onder die bepalinge van hierdie hoofstuk te kom nie en as die plaaslike bestuur deur die reëls van sodanige pensioenfonds vereis was om die administrasiekoste te dra, die plaaslike bestuur voortgaan om sodanige koste te betaal ten opsigte van sodanige lede wat verkies om nie onder die bepalinge van hierdie hoofstuk te kom nie. Die bedrag wat die plaaslike bestuur aan die fonds moet betaal ten opsigte van enige finansiële jaar sal na verhouding sodanige gedeelte van die totale koste vir sodanige jaar wees as die verhouding van die bydraes wat sodanige plaas-

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Uitwerking
van
veroorde-
ling weens
misdaad
op
jaargelde.

31. (1) As iemand wat 'n jaargeld trek voor 'n hof skuldig bevind word aan 'n misdaad of oortreding, en daarvoor veroordeel word tot die doodstraf of gevangenstraf vir die tyd van meer as twaalf maande, sonder opsie van boete, sal die jaargeld nie meer aan sodanige persoon betaal word nie, en in plek daarvan sal die jaargeld gedurende opsluiting van sodanige persoon betaal word aan die persone wat afhanklik van hom is.

(2) Telkens wanneer die betaling van 'n jaargeld opgehou het ingevolge subartikel (1) van hierdie artikel, sal dit weer uitbetaal word nadat die betrokke persoon uit die gevangenis ontslaan is en sal hy die jaargeld ontvang teen dieselfde tarief en onder dieselfde omstandighede as voor sy opsluiting, saam met enige bedrae wat hom toekom en wat nie uitbetaal is kragtens die bepalings van subartikel (1) hiervan nie.

Vordering
vir letsel
ontstaan
in en deur
die diens.

32. Niks in hierdie hoofstuk sal op enige manier van invloed wees op die reg wat enige lid of persone wat van hom afhanklik is mag hê om skadevergoeding te eis kragtens enige wet op kompensasie of skadevergoeding aan werksmense wat beseer is of gesterwe het tengevolge van enige ongeluk ontstaan deur of in die loop van hulle werksaamhede en die bedrag betaalbaar ingevolge hierdie hoofstuk sal nie verminder of beïnvloed word omrede van enige betaling wat gemaak word ingevolge sodanige wet nie.

Plaaslike
Bestuur
het
reten-
siereg op
voordele
vir
verskul-
digde
gelde.

33. 'n Plaaslike bestuur het, ten opsigte van enige skuld van 'n lid aan sodanige plaaslike bestuur, 'n retensiereg op enige jaargeld, gratifikasie of ander voordeel betaalbaar aan of ten opsigte van sodanige lid ingevolge die bepalings van hierdie hoofstuk.

Plaaslike
Bestuur
kan
spesiale
toeken-
nings
maak.

34. Niks in hierdie hoofstuk sal geag word 'n plaaslike bestuur te verhinder om aan enige lid wat op die vasgestelde datum in diens van sodanige plaaslike bestuur was, of aan die persone wat afhanklik van hom is, ten opsigte van die dienstyd van sodanige lid by sodanige plaaslike bestuur of by 'n ander plaaslike bestuur of andersins, 'n spesiale betaling of jaarlikse of ander toekenning te maak, buite en behalwe enige jaargeld of voordeel wat sodanige lid of die persone wat afhanklik van hom is, geregtig mag wees om uit die fonds te ontvang, met dien verstande dat sodanige plaaslike bestuur bedoelde spesiale toekenning af toelae uit sy eie inkomste moet betaal.

formuleer wat dieselfde uitwerking sal hê as 'n skema wat die komitee ingedien het en wat deur hom goedgekeur is.

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(5) Geen skema ingevolge hierdie artikel mag bepaal dat wanneer aan 'n persoon 'n pensioen toegeken is, dit, in die geval van 'n jaargeld verminder sal word nie, of, dat in die geval van 'n gratifikasie, van hom geëis sal word om 'n gedeelte daarvan terug te betaal nie.

29. Geen pensioen of reg op 'n pensioen kan oorgedra of oorgemaak of op ander wyse afgestaan, of verpand word nie, nog sal dit, of enige bydrae betaal deur of vir 'n lid blootstaan aan enige vorm van beslaglegging ingevolge vonnis of bevel van 'n gereghof nie, en in geval die benefisiant probeer om 'n pensioen of reg daarop oor te dra of oor te maak of andersins af te staan of te verpand, kan betaling daarvan teruggehou, geskors of heeltetal gestaak word as die komitee dit bepaal; met dien verstande dat die komitee kan beveel dat sodanige pensioen of gedeelte daarvan betaal word aan een of meer afhanklikes van die begunstigde of aan 'n kurator vir sodanige afhanklike of afhanklikes gedurende sodanige tydperk as dit dienstig ag.

Pensioene, ens., kan nie oorgedra word en daar kan geen beslag op gelê word nie.

30. (1) As die boedel van enige persoon wat 'n jaargeld trek gesekwestreer of oorgegee of oorgedra word ten voordele van sy krediteure, sal die jaargeld onmiddellik ophou; met dien verstande dat, in enige sodanige geval, die gehele jaargeld of 'n gedeelte daarvan, betaal kan word aan of ten voordele van die persone wat afhanklik van hom is. As dit betaal word aan sodanige persoon sal dit wees vir sy eie persoonlike gebruik en kan nie op enige wyse gevat, in beslag geneem, verkoop of toegeëien word deur die kurator in die bankrot-skap of deur enige prokurasiehouer of deur sy krediteurs nie, ongeag enige teenstrydige bepaling in enige wet met betrekking tot bankrot-skap.

Watter uitwerking bankrot-skap op jaargelde het.

(2) Telkens wanneer 'n jaargeld opgehou het ingevolge hierdie artikel, sal dit weer uitbetaal word by rehabilitasie van die insolwente persoon, en hy sal 'n jaargeld ontvang teen dieselfde tarief en onder dieselfde omstandighede as voor die sekwestrasie, oorgawe of oordrag, saam met enige agterstallige bedrae wat hom toekom.

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streke gedeelte van voornoemde tydperk van vyf jaar, of 'n gratifikasie gelyk aan die verskil tussen 'n som gelyk aan vyfmaal daardie jaargeld en die bedrag aan jaargeld wat voor sy oorlyde aan hom of vir hom betaal is.

(3) As 'n afhanklike of afhanklikes geen vordering instuur binne 'n tydperk van ses maande na die dood van 'n lid nie, sal aange- neem word dat daar geen afhanklike of hanklikes bestaan nie, en die bedrag van die bydraes wat die oorlede lid werklik betaal het, mienus die bedrag wat hy ewentueel ontvang het aan jaargeld, sal daarop aan sy boedel betaal word en daarna sal daar geen vordering jeens die fonds wees ten opsigte van sodanige oorlede lid nie.

Waardering
van fonds
deur
aktuaris.

28. (1) Ten minste eenmaal in elke vyf jaar sal die komitee die toestand van die fonds voorlê aan 'n aktuaris wat 'n waardering van die bate en laste van die fonds sal maak. Die aktuaris sal rapport uitbring regstreeks aan die komitee (wat onmiddellik na ontvangs daarvan 'n kopie van die rapport aan die Administrateur sal voorlê) en sal in sy rapport melding maak van die gegewens en werkwyses wat hy by sy ondersoek en waardering gebruik het. Hy sal melding maak van enige surplus of tekort wat voorkom en sal verklaar waarom, syns insiens, bedoelde surplus of tekort (al na die geval mag wees) ontstaan het en watter stappe geneem moet word om daarmee te handel.

(2) Wanneer na enige sodanige waardering die aktuaris verklaar dat daar 'n aanmerklike tekort of 'n beskikbare surplus is, sal die komitee aan die Administrateur 'n skema voorlê, goedgekeur deur die aktuaris, vir beskikking oor die surplus of vir aansuiwering van die tekort. Die voordele kan vermeerder word, of die tariewe van bydrae kan verhoog of verlaag word, al na die toestand dit vereis, met dien verstande, dat in enige skema die tariewe van bydrae van die plaaslike bestuur nie laer sal wees as die tariewe van toepassing op lede nie.

(3) Waar die Administrateur enige sodanige skema goedkeur sal die komitee onmiddellik uitvoering daaraan gee.

(4) As binne nege maande na ontvangs van sodanige rapport die komitee versuim om 'n skema kragtens hierdie artikel in te dien, of 'n skema in te dien wat die Administrateur goedkeur, sal die Administrateur 'n skema

25. As 'n lid die diens van 'n plaaslike bestuur verlaat om enige rede uitgenome aftreding met 'n jaargeld of ontslag, en as hy binne 'n tydperk van twaalf maande daarna weer deur dieselfde plaaslike bestuur in diens geneem word, sal die onderbreking van sy dienstyd gekondoneer word en sal hy weer tot die fonds hydra vanaf die datum waarop hy weer in diens geneem word, met dien verstande dat, as aan hom 'n gratifikasie uitbetaal is kragtens artikel *twee-en-twintig, drie-en-twintig* of *vier-en-twintig*, die lid in een som of in paaiemente goedgekeur deur die komitee, aan die fonds sal terugbetaal die bedrag van sodanige gratifikasie plus samegestelde rente teen vier en 'n half persent per jaar, vanaf die datum waarop hy sodanige gratifikasie ontvang het tot die datum of datums van terugbetaling.

Lid wat weer in diens van Plaaslike Bestuur tree.

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26. As 'n lid ontslaan word uit die diens van 'n plaaslike bestuur tengevolge van ernstige wangedrag, oneerlikheid of bedrog, of as hom toegelaat word om af te tree of te bedank om ontslag te voorkom, sal die bydraes wat hy werklik betaal het aan hom terugbetaal word en sal hy ophou om 'n lid van die fonds te wees, met dien verstande dat, as, tengevolge van sy gedrag die plaaslike bestuur geldelike verlies gely het, die bedrag van sodanige verlies afgetrek word van sodanige terugbetaling en uitbetaal word aan die plaaslike bestuur as 'n preferente skuld.

Ontslag uit die diens.

27. (1) As 'n lid sterwe terwyl hy nog in diens van 'n plaaslike bestuur is, sal die ewentuele persone wat van hom afhanklik is 'n gratifikasie ontvang gelyk aan ag en een derde persent van sy jaarlikse gemiddelde pensioendraende emolumente, bereken oor die tien jaar van onafgebroke dienstyd voor sy oorlyde (of oor die gehele tydperk van sy onafgebroke dienstyd as dit korter is) ten opsigte van elke jaar van onafgebroke dienstyd. Die tydperk van onafgebroke dienstyd sal bereken word per jaar en maand en 'n breuk van 'n maand sal buite rekening gelaat word.

Oorlyde voor of kort na aftreding.

(2) As 'n lid wat 'n jaargeld ontvang, sterwe binne vyf jaar na die datum van sy aftreding sal aan die ewentuele persone wat van hom afhanklik is betaal word hetsy die jaargeld wat sodanige lid as hy nie gesterwe het nie, sou getrek het gedurende die onver-

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Aftreding
met
jaargeld
tengevolge
van
reorgani-
sasie, ens.

21. As aan 'n lid wat ten minste vyftien jaar by 'n plaaslike bestuur in diens is, eervolle ontslag verleen word tengevolge van vermindering of reorganisasie van staf, of tengevolge van afskaffing van sy amp of pos, of terwille van verbetering van doeltreffendheid of organisasie, of tengevolge van besuiniging in die algemeen, sal hy geregtig wees om 'n jaargeld te ontvang, bereken soos bepaal in artikel *agtien*.

Alle betalings van enige sodanige jaargeld gemaak voor die lid die ouderdom vir pensioen bereik, moet geskied uit die inkomste van sodanige plaaslike bestuur.

Gratifikasie
by
aftreding
op
voorge-
skrewe
ouderdom
of om
gesond-
heidsredes,
reorgani-
sasie, ens.

22. 'n Lid wat aftree, of aan wie eervolle ontslag verleen word deur 'n plaaslike bestuur kragtens die bepalings van artikel *negentien* of van subartikel (1) van artikel *twintig*, maar wat minder as tien jaar by sodanige plaaslike bestuur in diens is, of aan wie eervolle ontslag verleen word kragtens die bepalings van artikel *een-en-twintig*, maar wat minder as vyftien jaar by sodanige plaaslike bestuur in diens is, sal by aftreding geregtig wees op 'n gratifikasie gelyk aan ag-en-eenderde persent van sy jaarlikse gemiddelde pensioendraende emolumente bereken oor die tien jaar van onafgebroke dienstyd voor aftreding (of oor die gehele tydperk van onafgebroke dienstyd, as dit korter is) ten opsigte van elke jaar van onafgebroke dienstyd. Die tydperk van onafgebroke dienstyd sal bereken word per jaar en maand en 'n breuk van 'n maand sal buite rekening gelaat word.

Vrywillige
aftreding.

23. As 'n lid vrywillig uit die diens van 'n plaaslike bestuur tree, sal hy geregtig wees op 'n gratifikasie gelyk aan die bedrag van die bydraes wat hy werklik betaal het plus twee persent van sodanige bedrag ten opsigte van elke volledige jaar wat sy onafgebroke diens-tyd meer as sewe jaar bedrae.

Vroulik
lid wat
aftree
tengevolge
van
huwelik.

24. As aan 'n vroulike lid eervolle ontslag uit die diens van 'n plaaslike bestuur verleen word by haar huwelik, of as sy vrywillig sodanige diens verlaat met die oog op haar aanstaande huwelik, en in die huwelik tree binne drie maande na haar aftreding, sal sy ontvang—

- (a) as sy minder as vyf diensjare het die teruggawe van haar eie bydrae;
- (b) as sy vyf diensjare het tweemaal die bedrag van haar eie bydraes.

bedrag ten opsigte van elke maand of gedeelte daarvan waarmee sestig jaar die werklike ouderdom van die lid op die datum van sy aftreding oorskry.

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20. (1) 'n Lid wat ten minste tien jaar by die plaaslike bestuur in diens is, en wat volgens die opinie van die mediese raad ongeskik geword het om sy werksaamhede doeltreffende te verrig tengevolge van swakheid van gees of liggaam veroorsaak sonder sy eie skuld, sal, onderworpe aan die goedkeuring van die komitee, tydelik op pensioen gestel word en sal geregtig wees om 'n jaargeld te ontvang bereken soos bepaal in artikkel *agtien*.

Aftreding
met
jaargeld
om
gesond-
heidsredes

(2) As sodanige lid deur die komitee, handelende op advies van dieselfde of 'n ander mediese raad, binne twee jaar van sy tydelike aftreding geskik vir diens bevind word en nog onder die ouderdom vir pensioen is, kan van hom verlang word om werksaamhede te hervat in sy vorige of 'n ander amp of pos. As hy weier om sy werksaamhede te hervat sonder 'n oorsaak wat volgens die opinie van die komitee redelik is, sal die jaargeld ophou, met dien verstande dat—

- (a) die pensioendraende emolumente verbonde aan sy amp of pos wat hom, soos voornoem, aangebied word, nie minder sal wees nie as die pensioendraende emolumente wat hy getrek het onmiddellik voor sy tydelike aftreding;
- (b) bedoelde amp of pos nie van 'n laer graad is nie as dit waaruit hy tydelik gepensioneerd is;
- (c) die jaargeld wat hy getrek het op die tyd toe hy sy werksaamhede moes hervat, sal ophou;
- (d) by sy finale aftreding hy geregtig sal wees om vir die doeleindes van jaargeld bymekaar te tel die tydperke van sy onafgebroke dienstyd voor en na sy tydelike aftreding as hy tot die fonds hydra gedurende bedoelde later tydperk.

(3) As, na die verstryking van twee jaar vanaf die datum van sy tydelike aftreding, dit nie van 'n lid vereis is om werksaamhede te hervat nie, of, as hy nog ongeskik vir diens is, sal dit geag word dat hy finaal afgetree het en geregtig is op 'n jaargeld op genoemde basis.

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betaalbaar is. By gebreke van sodanige toestemming en sodanige betaling deur die lid, sal geen bydraes ingevorder word of betaalbaar wees ten opsigte van enige tydperk van verlof sonder salaris nie, en geen tydperk ten opsigte waarvan geen sodanige bydraes betaal word nie sal in aanmerking geneem word by die berekening van die tydperk van sy onafgebroke dienstyd nie.

Wyse van
berekening
van
jaargeld.

18. Die jaargeld betaalbaar aan 'n aftredende lid sal gebaseer word op sy jaarlikse gemiddelde pensioendraende emolumente gedurende die laaste tien jaar van onafgebroke dienstyd en sal bereken word teen een sestigste van sodanige pensioendraende emolumente vir elke jaar van sodanige dienstyd. Die tydperk van sodanige dienstyd sal bereken word per jaar en maand en 'n breuk van 'n maand sal buite beskouing bly.

Aftreding
op of na
die
ouderdom
van
pensioene-
ring of
binne
vooraf-
gaande vyf
jaar.

19. (1) Wanneer 'n lid die ouderdom van sestig jaar bereik het sal hy die diens van die plaaslike bestuur verlaat, met dien verstande dat, as die plaaslike bestuur dit nodig of wenslik ag, sodanige lid, met sy toestemming, in diens gehou kan word vir verdere tydperke van ten hoogste een jaar tegelyk, maar in geen geval bo die ouderdom van 65 jaar nie.

(2) Nadat 'n lid aftree kragtens die bepalings van die vorige subartikel, sal aan hom 'n jaargeld betaal word bereken soos bepaal in artikel *agtien*, mits hy tien jaar by die plaaslike bestuur in diens was.

(3) 'n Lid wat die ouderdom van 55 jaar bereik het en ten minste tien jaar by die plaaslike bestuur in diens is, kan deur die plaaslike bestuur vereis word om af te tree, in watter geval aan hom 'n jaargeld betaal sal word bereken ooreenkomstig die bepalings van artikel *agtien*; in sodanige geval sal die jaargeld wat aan die lid toegeken word voor hy die ouderdom vir pensioen bereik het, deur sodanige plaaslike bestuur uit sy eie inkomste betaal word.

(4) Ongeag die bepalings voorkomende in die vorige subartikels van hierdie artikel, sal 'n lid wat die ouderdom van 55 jaar bereik het en wat ten minste tien jaar by die plaaslike bestuur in diens is, die reg hê om met 'n jaargeld af te tree, met dien verstande dat daar van die bedrag van die jaargeld, bereken soos omskrywe in artikel *agtien*, afgetrek sal word twee-vyftes van een persent van sodanige

sodanige verder tydperk as die komitee goedkeur nadat die beamppte aansoek gedoen het.

(4) 'n Lid wat in diens van 'n plaaslike bestuur bly nadat hy die ouderdom vir pensioen bereik het, sal voortgaan om tot die fonds by te dra totdat hy die diens verlaat of aan hom eervolle ontslag verleen word.

15. (1) Die bydraes wat elke lid aan die fonds moet betaal sal 'n preferente skuld wees op, en sal deur die plaaslike bestuur maandeliks, of met korter tussenpose, afgetrek word van die salaris of loon betaalbaar aan sodanige lid.

Hoe
bydraes
van lede
betaal
moet
word

(2) Die tesourier van die plaaslike bestuur sal so gou moontlik na die verstryk van elke kalendermaand vanaf die vasgestelde datum, skriftelik aan die sekretaris meedeel die bedrag van die bydraes en rente wat lede in die afgelope maand aan die fonds betaal het, en hierdie bedrag sal deur die plaaslike bestuur aan die fonds betaal word en hy moet verder aan die sekretaris sodanige inligtings verstrek redelikerwys nodig vir die doeleindes van hierdie Ordonnansie, dat die komitee van tyd tot tyd mag vereis.

16. Onderworpe aan die bepalings van subartikel (2) van artikel *ag-en-twintig*, sal die plaaslike bestuur aan die fonds betaal een pond vir elke pond aan bydraes en rente wat lede aan die fonds betaal, met uitsondering van enige agterstallige bydraes en rente betaalbaar kragtens die bepalings van paragraaf (a) van subartikel (2) van artikel *veertien*.

Bydraes
van
Plaaslike
Bestuur.

17. Wanneer 'n lid op verlof is met vol salaris of met minder as vol salaris, sal hy voortgaan om tot die fonds by te dra op die basis van sy volle pensioendraende emolumente. Wanneer 'n lid op verlof is sonder salaris, kan hom op aanvraag toegestaan word om op die basis van sy volle pensioendraende emolumente by te dra vir die kalendermaand wat onmiddellik voorafgaan aan die aanvang van sy verlof sonder salaris, maar sodanige aanvraag moet gemaak word, en die bedrag verskuldig ten opsigte daarvan moet deur die lid betaal word binne een maand na sy hervatting van werksaamheid, met dien verstande dat die lid op skriftelike aanvraag by die komitee kan toegestaan word om die bedrag terug te betaal in ses of minder maandelikse paaiemente uit die emolumente wat aan hom

Bydraes
terwyl op
verlof.

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—
Art. 14.

bestuur op die datum van aanneming van hierdie Ordonnansie, moet ook, as die plaaslike bestuur dit eis kragtens subartikel (1) van artikel *twaalf*, in die fonds inbetaal die bedrag van sy agterstallige bydraes vanaf die datum van aanvang van sy onafgebroke diens-tyd tot sodanige datum van aanneming. Sodanige bydraes sal geen rente dra tot die datum van aanneming nie, maar sal daarna samegestelde rente dra teen vier-en-'n half persent per jaar, en sal betaalbaar wees in sodanige paaieimente as die komitee vasstel; met dien verstande dat die plaaslike bestuur kan kies om uit sy eie inkomste vir sodanige lede die rente op sodanige agterstallige bydraes vanaf sodanige datum van aanneming te betaal.

(b) Waar sodanige agterstallige bydraes in paaieimente betaal word, en die lid sterwe of ophou om tot die fonds by te dra alvorens hy sodanige agterstallige bydraes afbetaal het, sal enige voordeel uit die fonds waarop hy of sy afhanklikes of boedel geregtig is, bereken word asof hy 'n agterstallige bydraes voltooi het, en in die geval waar 'n terugbetaling of gratifikasie verskuldig is, sal die balans van agterstallige bydraes met inbegrip van rente, afgetrek word van sodanige terugbetaling of gratifikasie, en in die geval waar 'n jaargeld verskuldig is, sal die uitstaande paaieimente afgetrek word van die betalings van die jaargeld, en as hy sterwe voor hulle voltooi is sal die uitstaande balans afgetrek word van enige betalings uit die fonds waarop sy afhanklikes of boedel geregtig is.

(3) 'n Beampte wat in aanmerking kom vir lidmaatskap na die datum van aanneming van hierdie Ordonnansie en wat 'n vroeëre tydperk van tydelike diens-tyd by 'n plaaslike bestuur het onmiddellik voor sy benoeming in 'n vaste hoedanigheid (met dien verstande dat die komitee 'n onderbreking van nie meer as twaalf maande nie kan kondoneer) sal gereg- wees om sy lidmaatskap terug te dateer tot die datum van aanvang van sy tydelike diens-tyd, of tot 'n later datum, en sal in daardie geval vir sodanige tydperk bydraes betaal asmede samegestelde rente teen 5 persent per jaar, met dien verstande dat van die reg gebruik gemaak moet word binne een maand na die datum waarop die eerste bydrae betaal word, en dat alle agterstallige bydraes met rente daarop betaal word binne twee jaar daarna, of binne

eerste hydrae kan betaal word in een som op die vasgestelde datum, of in paaiemente oor 'n tydperk van jare, of gedeeltelik in een som en gedeeltelik in paaiemente, met dien verstande dat daar tot die uitstaande bedrag van tyd tot tyd samegestelde rente sal bygevoeg word teen vier en 'n half persent per jaar bereken vanaf die vasgestelde datum en verder met dien verstande dat die bedrag wat op enige tyd uitstaan in geen geval meer sal wees as die bedrag wat uitstaande sou gewees het as die plaaslike bestuur gekies het om in beglyke jaarlikse paaiemente by te dra, met inbegrip van hoofsom en rente, oor 'n tydperk van twintig jaar vanaf die vasgestelde datum.

(4) Beampes op die vasgestelde datum met uitsondering van dié uitgesluit kragtens sub-artikel (2) van hierdie artikel sal verplig wees om lede van die fonds te word.

13. (1) Elke beampte wat in diens van 'n plaaslike bestuur tree op of na die datum van aanneming van hierdie Ordonnansie, moet aan die komitee sodanige bewyse van gesondheid oorkê as dit vereis, en nadat die komitee oortuig is van die goeie staat van sy gesondheid sal hy verplig wees om lid van die fonds te word; met dien verstande dat, ten opsigte van die gemeenskaplike fonds, sodanige datum van aanneming sal wees die datum genoem in artikel *vier*.

Beampes
wat tot
fonds
toetree na
aanneming
van
Ordon-
nansie.

(2) 'n Lid kan hom nie aan die lidmaatskap onttrek nie solank hy in diens van die plaaslike bestuur is, of, wat die gemeenskaplike fonds betref, solank hy in diens van 'n plaaslike bestuur is wat by die gemeenskaplike fonds aangesluit is.

14. (1) Elke lid moet tot die fonds bydra vanaf die datum van aanneming van hierdie Ordonnansie of vanaf die aanvang van onafgebroke dienstyd (as dié later is), ooreenkomstig onderstaande skaal:—

Bydraes
van
lede.

<i>Ouderdom jongste verjaarsdag by aanvang van onafgebroke dienstyd.</i>	<i>Persentasie van Pensioendraende emolumente.</i>
Tot 23 jaar	4
24 tot 28 jaar	4½
29 tot 32 jaar	5
33 tot 36 jaar	5½
37 tot 40 jaar	6
41 tot 43 jaar	6½
44 tot 47 jaar	7
48 jaar en daarbo	7½

(2) (a) Elke lid in diens van die plaaslike

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—
Art. 12.

- (of by bereiking van die ouderdom van sewentien jaar indien later), maar geen bydraes sal vereis word van die beampte ten opsigte van sodanige dienstyd nie;
- (b) die onafgebroke dienstyd van sodanige beampte sal begin vanaf die datum van indienstreding by die plaaslike bestuur (of by bereiking van die ouderdom van sewentien jaar, indien later), maar in geen geval vanaf 'n vroeër datum nie as die datum wat die plaaslike bestuur vasstel, en geen bydraes sal vereis word van die beamptes ten opsigte van sodanige dienstyd nie;
- (c) elk van sy beamptes sal vereis word om die datum te kies, nie vroeër as die datum van indienstreding (of die bereiking van die ouderdom van sewentien jaar, indien later), nie, en na keuse van die plaaslike bestuur, in geen geval vroeër as 'n datum wat die plaaslike bestuur sal vasstel, wat beskou sal word as die datum van begin van onafgebroke dienstyd, en sodanige beampte sal vereis word om, op die wyse voorgeskryf in paragraaf (a) van subartikkel (2) van artikel *veertien*, aan die fonds te betaal die bedrag van sy agterstallige bydraes vanaf sodanige datum tot die vasgestelde datum.
- (d) die onafgebroke dienstyd van elk van die beamptes sal begin vanaf die vasgestelde datum; of
- (e) enige ander wyse ooreenkomende met een van bogenoemde maniere wat die plaaslike bestuur goedgekeur.

(2) Sodanige plaaslike bestuur kan weens ouderdom of om enige ander geldige rede enige van sy beamptes in diens op die vasgestelde datum van lidmaatskap uitsluit.

(3) Tensy die manier beskryf in paragraaf (d) van subartikkel (1) van hierdie artikel aangeneem word, sal sodanige plaaslike bestuur ten opsigte van die onafgebroke dienstyd van sy beamptes voor die vasgestelde datum, sodanige som tot die fonds bydra as—volgens die opienie van die aktuaris nadat hy rekening gehou het met die bydraes betaalbaar vanaf die vasgestelde datum en die bydraes (indien enige) betaalbaar deur die beamptes ten opsigte van dienstyd voor die vasgestelde datum—vereis word om die voordele wat deur die fonds verleen word, te verskaf. Hierdie

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- 'n lid ontvang vir die verrigting van spesiale werksaamhede of terwyl hy fungeer in 'n amp wat permanent of tydelik vakant is; of
- (2) enige toelae vir reis- of verblyfkoste; of
 - (3) enige fooie, honoraria of bonusse van enige soort; of
 - (4) betaling vir oortyd; of
 - (5) enige ander toelae wat hierin nie gespesifiseer is nie;
- „ouderdom vir pensioen,” die bereiking van die ouderdom voorgeskryf in hierdie hoofstuk vir aftreding van 'n lid op 'n jaargeld;
- „salaris ” of „loon,” die jaarlikse, maandelikse of daaglikse betaling van 'n beampte, uitgenome alle toelaes, en sluit nie in betaling vir enige oortyd of bonus nie;
- „sekretaris,” die persoon wat die komitee as sodanig benoem.

10. Die bepalings van hierdie hoofstuk geld alleen vir fondse waarop hierdie Ordonnansie toegepas of aangeneem is, met dien verstande dat niks in hierdie hoofstuk geag sal word om inbreuk te maak op die regte van lede van 'n pensioenfonds bestaande op die datum van aanneming van die Ordonnansie soos beskerm in die skema vir sodanige aanneming nie.

Toepassing
van
Hoofstuk

- 11.** 'n Fonds sal bestaan uit—
- (a) bydraes en rente wat in die fonds inbetaal word ooreenkomstig hierdie hoofstuk;
 - (b) rente getrek van die belegging van enige gelde van die fonds;
 - (c) enige ander somme waarop die fonds geregtig word.

Bronne
van die
fonds.

12. (1) 'n Plaaslike Bestuur wat nie 'n pensioenfonds het en wat nie aangesluit is by die gemeenskaplike fonds nie, sal, in die skema vir die aanneming van hierdie Ordonnansie, een van die volgende maniere kies om te handel met die dienstyd van sy beamptes voor die vasgestelde datum, d.w.s.—

Beampte
op datum
van
aanneming
van
Ordonnansie.

- (a) die onafgebroke dienstyd van sodanige beampte sal begin vanaf die datum van indienstreding by die plaaslike bestuur

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- „Beampte,” enige persoon van Europese afkoms in vaste diens van ’n plaaslike bestuur wat hierdie Ordonnansie aangeneem het, wat sy gehele tyd aan genoemde diens wy en wat die ouderdom van sewentien jaar bereik het; geen persoon wat in diens van ’n plaaslike bestuur tree na die datum van aanname van die Ordonnansie en wat bo die ouderdom van vyftig jaar is, sal vir die doeleindes van hierdie Ordonnansie beskou word as ’n beampte nie;
- „fonds,” ’n pensioenfonds waarop hierdie Ordonnansie toegepas is en sluit in die gemeenskaplike fonds;
- „mediese raad,” die lid se eie mediese praktisyn en ’n mediese praktisyn genomineer deur die komitee, met dien verstande dat, as die lede van sodanige raad nie ooreen kan kom ten opsigte van enige geval nie, hulle ’n mediese praktisyn kan benoem om met hulle te fungeer as derde lid van die mediese raad, of as hulle nie binne ’n redelike tyd kan ooreenkom ten opsigte van sodanige derde lid nie, die voorsitter van die komitee ’n mediese praktisyn kan benoem om te fungeer as sodanige derde lid; verder met dien verstande dat die rapport van die mediese raad nie eenstemmig hoef te wees nie, maar die rapport van die meerderheid kan wees;
- „lid,” ’n bydraer tot ’n fonds of ’n persoon wat ’n jaargeld van ’n fonds trek;
- „pensioen,” ’n jaargeld of gratifikasie, al na die inhoud vereis;
- „pensioendraende emolumente,” die emolumente waarop bydraes betaal word, en sluit in—
- (a) salaris of loon;
- (b) die geskatte huurwaarde van ’n woning, hetsy behorende tot die plaaslike bestuur of nie, orals waar ’n lid vergun word om gratis ’n woning te betrek as ’n gedeelte van sy emolumente, of enige toelae verleen in plaas van die verskaffing van ’n gratis woning; en ’n gratis woning sal vir die doel bereken word teen ’n som gelyk aan een-seste van die lid se salaris of loon. In hierdie term word nie begrepe nie—
- (1) enige spesiale remunerasie wat

- (b) dat, ten opsigte van beamptes in diens van 'n plaaslike bestuur met of aangesluit by 'n pensioenfonds op die datum van aanneming van hierdie Ordonnansie, die onafgebroke dienstyd ten opsigte van werksaamhede voor sodanige datum, sal beteken die dienstyd erken as pensioendraend deur die bepalings van sodanige pensioenfonds, tensy die skema vir die aanneming van die Ordonnansie 'n ander manier bevat om sodanige onafgebroke dienstyd te omskrywe;
- (c) dat, ten opsigte van beamptes in diens van 'n plaaslike bestuur sonder, of nie aangesluit by 'n pensioenfonds op die datum van aanneming van die Ordonnansie nie, die datum van aanvang van onafgebroke dienstyd sal wees soos voorgeskryf in artikel *twaalf*.

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Art. 9.

„ afhanklike ” of „ afhanklikes,”

- (a) 'n vrou of weduwee of man of wewenaar, of kinders of stiefkinders; of
- (b) 'n vader, moeder, broer, of suster wat heeltemal of gedeeltelik afhanklik is van 'n lid vir ondersteuning en onderhoud; of
- (c) enige ander persoon heeltemal vir ondersteuning en onderhoud afhanklik van 'n lid, wat die komitee oortuig dat hy of sy aldus afhanklik is.

Die volgorde van voorkeur onder afhanklikes sal wees as volg tensy 'n lid sodanige volgorde verander deur kennisgewing aan die komitee, naamlik—

- (1) aan die vrou of weduwee, of aan die man of wewenaar; of
- (2) aan die kinders en stiefkinders in gelyke aandeel; of
- (3) aan die vader en moeder in gelyke aandeel, of aan die langsewende van hulle; of
- (4) aan die broers en susters in gelyke aandeel; of
- (5) aan die persone wat heeltemal afhanklik is in gelyke aandeel.

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- (b) 'n meerderheid van die lede wat tot sodanige pensioenfonds bydra, verkry in geskryfte op sodanige wyse as sodanige komitee van beheer, of by gebreke van 'n komitee van beheer, die plaaslike bestuur sal vasstel;
- (c) die plaaslike bestuur;
- (d) die komitee van beheer van die gemeenskaplike fonds; en
- (e) die Administrateur.

Toelating tot fonds van beamptes van naburige Plaaslike Bestuur.

8. Ongeag enigiets wat voorkom in hierdie Ordonnansie, sal 'n plaaslike bestuur wat 'n pensioenfonds het, bevoeg wees om, onderworpe aan die goedkeuring van die komitee van beheer (as daar een is) van sodanige fonds en van die Administrateur, om enige beampte van 'n naburige, of min of meer naburige plaaslike bestuur tot lid van sodanige fonds toe te laat, onderworpe aan sodanige voorwaardes as ooreengekom word.

HOOFSTUK II.—VOORSIENING WAAR DIE ORDONNANSIE TOEGEPAS OF AANGENEEM IS.

Definiesies. 9. Tensy onbestaanbaar met die inhoud beteken in hierdie hoofstuk—

- „ Jaargeld, ” 'n jaarlikse som betaalbaar gedurende die leeftyd van 'n aftredende lid;
- „ komitee, ” die komitee van beheer benoem om die fonds te beheer ooreenkomstig hierdie hoofstuk;
- „ onafgebroke dienstyd, ” die tyd bestee deur 'n beampte, nadat hy die ouderdom van sewentien jaar bereik het, in diens van 'n plaaslike bestuur, en sal nie beskou word as afgebroke nie deur geoutoriseerde verlof van afwesigheid, deur onderbrekings in die diens beskou as verlof sonder salaris of andersins gekondoneer deur die komitee vir die doel van lidmaatskap van die fonds, of deur tydperke van skorsing gevolg deur herstelling in dieselfde of 'n ander amp of pos; met dien verstande—
- (a) dat op en na die datum van aanne-
ming van die Ordonnansie, enige
tydperk van afwesigheid sonder
betaling van bydrae nie meegetel
sal word by die berekening van die
tydperk van onafgebroke dienstyd
nie;

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- (d) beamptes (soos omskrywe in artikel *nege*) van die plaaslike besture wat aangsluit het by die gemeenskaplike fonds en wat in diens tree van een van sodanige besture op of na die datum vasgestel deur die Administrateur soos voornoem, sal tot die gemeenskaplike fonds toetree kragtens die bepalings van Hoofstukke II en III.

5. Ongeag enigiets voorkomende in hierdie Mienimum
Ordonnansie, sal 'n plaaslike bestuur sonder aantal
'n pensioenfonds, wat minder as vyftig beamptes
beamptes (soos omskrywe in artikel *nege*) in sy vir
diens het, nie geregtig wees om 'n afsonder- afsonder-
like fonds. like
fonds.

6. Ongeag die bepalings van artikel *twee*, Plaaslike
kan 'n plaaslike bestuur wat geen pensioen- Bestuur
fonds het nie, hierdie Ordonnansie aanneem sonder
deur by die gemeenskaplike fonds aan te sluit, fonds, wat
aansluit by
onderworpe aan goedkeuring van die komitee Gemeen-
skaplike
Fonds.
van beheer van die gemeenskaplike fonds en
nadat voldoen is aan die bepalings van sub-
artiekels (2) en (3) van artikel *twee*.

7. (1) Onderworpe aan die bepalings van Plaaslike
subartiekels (2) en (3) van hierdie artikel, Bestuur
met
kan 'n plaaslike bestuur wat 'n bestaande afsonder-
like fonds
pensioenfonds het, hierdie Ordonnansie aan- wat
aansluit
neem deur aan te sluit by die gemeenskaplike by
Gemeen-
skaplike
fonds. Fonds.

(2) Sodanige plaaslike bestuur sal 'n skema ontwerp wat goedgekeur moet word deur 'n aktuaris en wat onder ander voorsiening sal maak—

- (a) dat die regte van bestaande lede beskerm word;
- (b) dat toekomstige beamptes (soos omskrywe in artikel *nege*) tot die gemeenskaplike fonds toetree kragtens die bepalings van Hoofstukke II en III;
- (c) dat die beleggings en ander gelde van sodanige pensioenfonds of sodanige gedeelte daarvan as vereis mag word, oorgedra sal word aan die gemeenskaplike fonds, en dat sodanige verder betalings deur, of terugbetalings aan die plaaslike bestuur en beamptes gemaak sal word as in die skema beskryf word;
- (d) vir die datum vanaf welke die skema in werking tree.
- (3) Sodanige skema sal in werking tree na ontvangs van die goedkeuring van—
- (a) die komitee van beheer (as daar een is) van die pensioenfonds;

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- (b) 'n meerderheid van die lede wat tot sodanige pensioenfonds bydra, verkry in geskryfte op so 'n wyse as die komitee van beheer, of by gebreke van 'n komitee van beheer, die plaaslike bestuur, sal vasstel;
- (c) die plaaslike bestuur;
- (d) die Administrateur.

Toepassing
van
Ordon-
nansie op
Gemeen-
skaplike
Fonds.

4. Die gemeenskaplike fonds sal hierdie Ordonnansie aanneem op en vanaf 'n datum wat vasgestel word by Proklamasie van die Administrateur, en dit sal die plig van die komitee van beheer wees om 'n skema te ontwerp, wat goedgekeur moet word deur 'n aktuaris, vir bekragtiging van die Administrateur binne twaalf maande vanaf die aanvang van hierdie Ordonnansie; sodanige skema moet onder ander voorsiening maak vir die volgende sake—

- (a) lede van die fonds op die datum vasgestel deur die Administrateur, soos voorneem, en wat lede is wanneer die skema goedgekeur word, sal die opsie hê om binne 'n tydperk waarvoor die skema voorsiening sal maak, te bly onder en onderworpe aan die bepalings van die regulasies goedgekeur by Administrateurskennisgewings Nos. 63, 143 en 623 van 1928, onderworpe aan enige reëlings van voordele of bydraes wat noodsaaklik mag word tengevolge van die waardering van die aktuaris;
- (b) sodanige lede wat geen gebruik maak van hierdie opsie nie sal kom onder die bepalings van Hoofstukke II en III van hierdie Ordonnansie, onderworpe aan sodanige tariewe van bydrae as deur die aktuaris nodige geag word, met inagneming van die vroeëre onafgebroke diens tyd van sodanige lede; met dien verstande dat sodanige tariewe gereël sal word ooreenkomstig individuele ouderdomme, jongste verjaarsdag, op die datum van aanvang van onafgebroke diens tyd;
- (c) elke beampte in diens van die Stadsraad van Benoni, Boksburg, Brakpan en Rustenburg wat tot die gemeenskaplike fonds toetree het vanaf die vasgestelde datum, sal gekrediteer word met enige agterstallige bydraes wat hy, of enige sodanige plaaslike bestuur vir hom, betaal het ten opsigte van diens tyd voor die vasgestelde datum;

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(2) As sodanige plaaslike bestuur wens om hierdie Ordonnansie aan te neem sal dit 'n skema ontwerp wat voorsiening maak dat beamptes (soos omskrywe in artikel *nege*) tot die fonds toetree kragtens die bepalings van Hoofstuk II, en sal onder ander bevat 'n skatting, gesertifiseer deur 'n aktuaris, van die koste van aanneming van die Ordonnansie en die datum vanaf welke die skema in werking sal tree.

(3) Hierdie Ordonnansie sal nie van toepassing wees op sodanige plaaslike outoriteit alvorens sodanige skema—

- (a) aangeneem is deur die plaaslike bestuur volgens 'n besluit geneem deur 'n meerderheid bestaande uit ten minste tweederdes van die lede van die plaaslike bestuur wat teenwoordig is en wat stem op 'n vergadering belê vir die doel, waarvan 'n maand vooraf kennis gegee is aan elk van sy lede;
- (b) bekragtig is deur sodanige plaaslike bestuur op 'n gewone vergadering gehou ten minste een maand nadat sodanige besluit geneem is; en
- (c) goedgekeur is deur die Administrateur.

3. (1) Onderworpe aan die bepalings van subartikels (2) en (3) van hierdie artikel, kan hierdie Ordonnansie aangeneem word deur 'n plaaslike bestuur wat 'n bestaande pensioenfonds het en wat nie aangesluit is by die gemeenskaplike fonds nie.

Aanneming van Ordonnansie deur Plaaslike Bestuur wat Bestaande Fonds het, uitgenome Gemeenskaplike Fonds.

(2) As sodanige plaaslike bestuur wens om hierdie Ordonnansie aan te neem, sal dit 'n skema ontwerp wat goedgekeur moet word deur 'n aktuaris en wat onder ander voorsiening sal maak—

- (a) dat die regte van bestaande lede beskerm word;
 - (b) dat, as geen gelde versamel is nie, daar 'n fonds ingestel sal word;
 - (c) dat toekomstige beamptes (soos omskrywe in artikel *nege*) tot die fonds sal toetree kragtens die bepalings van Hoofstuk II;
 - (d) vir die datum vanaf welke die skema in werking sal tree.
- (3) Sodanige skema sal in werking tree na ontvangs van die goedkeuring van—

- (a) die komitee van beheer (as daar een is) van die pensioenfonds;

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„Administrateur,” die amptenaar benoem kragtens subartikkel (1) van artikel *ag-en-sestig* van die Suid-Afrika Wet, 1909, of enige wysiging daarvan handelende op advies en met toestemming van die Uitvoerende Komitee van die Provinsie;

„vasgestelde datum ”—

(a) ten opsigte van ’n pensioenfonds wat bestaan op die datum van die aanneming van die Ordonnansie, die vasgestelde datum vasgestel deur die bepalings of regulasies van die fonds; en

(b) ten opsigte van enige ander pensioenfonds, die datum gespesifiseer in subartikkel (2) van artikel *twee*; met dien verstande dat, ten opsigte van ’n plaaslike bestuur wat nie ’n pensioenfonds het nie en wat aansluit by die gemeenskaplike fonds na die aanvang van hierdie Ordonnansie die vasgestelde datum sal wees die datum van aanneming van hierdie Ordonnansie;

„gemeenskaplike fonds,” die Gemeenskaplike Munisipale Pensioenfonds aangeneem deur die Stadsrade van Benoni, Boksburg, Brakpan, Pietersburg, Roodepoort-Maraisburg en Rustenburg en deur enige ander plaaslike outoriteite wat daarby aansluit;

„plaaslike bestuur,” en sluit in ’n „city” raad, ’n stadsraad, ’n dorpsraad of ’n gesondheidskomitee, en met betrekking tot ’n beampte of lid beteken dit die plaaslike bestuur wat sodanige beampte of lid in diens het, en sluit in enige kombinasie van plaaslike besture kragtens hierdie Ordonnansie;

„pensioenfonds,” ’n pensioenfonds ingestel deur ’n plaaslike bestuur, en sluit in ’n fonds of skema van ’n plaaslike bestuur, wat voordele verseker aan sy beamptes by aftreding, en sluit verder in die gemeenskaplike fonds.

Aanneming
van
Ordon-
nansie
deur
Plaaslike
Bestuur
wat geen
Pensioen-
fonds het
nie.

2. (1) Onderworpe aan die bepalings van subartikels (2) en (3) van hierdie artikel, kan hierdie Ordonnansie aangeneem word deur ’n plaaslike bestuur wat geen pensioenfonds het en wat nie aangesluit is by die gemeenskaplike fonds nie.

raad besit of hou in of in verband met 'n vliegbaan wat gemeenskaplik beheer word soos voormeld."

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14. Artikel *honderd sewe-en-vyftig* van die hoofwet word en is hierby gewysig deur die onderstaande nuwe subartikel daaraan toe te voeg:—

Wysiging van artikel eenhonderd sewe-en-vyftig van hoofwet.

„ (15) vir die onderhou, reël, kontroleer en aanhou van vliegbane en vir die vasstel van die pryse en fooie wat in rekening gebring word ten opsigte daarvan en in verband met die aanhou daarvan (met inbegrip van koste van toelating daartoe), met dien verstande dat die bevoegdhedes ingevolge hiervan uitgeoefen kan word deur 'n raad hetsy afsonderlik of gesamentlik met ander rade en ook al is sodanige vliegbane nie geleë binne die gebied van regsbevoegdheid van sodanige raad of rade nie.

15. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Plaaslike Bestuur Wysigings Ordonnansie, 1930.

Korte titel

'N ORDONNANSIE

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1930.

Om plaaslike besture in staat te stel voorsiening te maak vir aftredingspensioene of ander geldelike voordele betaalbaar aan persone in diens van plaaslike besture.

(Goedgekeur 12 Julie 1930.)

(Datum van inwerkingtree, 1 Augustus 1930.)*

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

HOOFSTUK I.—ALGEMEEN.

1. Tensy onbestaanbaar met die inhoud, beteken in hierdie Ordonnansie—

Definiesies.

„ aktuaris," 'n lid van die Instituut van Aktuarisse van Londen of van die Fakulteit van Aktuarisse in Skotland of enige ander gekwalifiseerde persoon wat die Goewerneur-Generaal as 'n aktuaris erken;

* Proklamasie No. 75, Prowinsiale Koerant, gedateer 30 Julie 1930, bladsy 89.

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Art. 13.

In geval 'n raad sodanige kontrak aangaan, word en is hy—

(a) ongeag enige teenstrydige bepaling in hierdie ordonnansie, hierby gemagtig

- (i) om sy bevoegdheid vir die oprigting, bou, onderhou, reël, kontroleer en aanhou van genoemde vliegbaan op te dra aan 'n gemeenskaplike komitee bestaande uit verteenwoordigers van die respektiewe kontrakterende partye, om die ledetal van bedoelde gemeenskaplike komitee vas te stel, en om te bepaal uit hoeveel lede die kworum moet bestaan;
- (ii) om uit hulle midde verteenwoordigers te kies op genoemde gemeenskaplike komitee;
- (iii) om voorsiening te maak vir die metode van benoeming van die voorsitter van die gemeenskaplike komitee wat een van die verteenwoordigers van die kontrakterende partye kan wees of nie, en om te bepaal of sodanige voorsitter op 'n beslissende stem geregtig sal wees of nie,

steeds met dien verstande dat sodanige komitee geen onkoste sal maak nie tensy daar voorsiening voor gemaak is en 'n gespesifiseerde begroting ingedien is by die finansiële komitee van elke raad wat verteenwoordig is op sodanige gemeenskaplike komitee en goedgekeur is deur elke sodanige raad.

(b) ongeag enige teenstrydige bepaling in die Plaaslike Bestuur Belastingsordonnansie 1928 of enige wysiging daarvan word en is hy hierby gemagtig om kwyd te skeld, hetsy geheel of gedeeltelik, enige belasting of belastings wat 'n ander raad op enige tyd skuldig is of word ten opsigte van enige aandeel in grond (soos beskryf in genoemde Ordonnansie) wat sodanige ander

11. Die eerste paragraaf van artikel *eenhonderd-en-twee* van die hoofwet word en is hierby gewysig deur weglating van die woorde: „ Die helfte van die koste van publiseer in die *Prowinsiale Koerant* van enige sulke verordening of wysiging of enige regulasies kragtens artikel *drie-en-twintig* (3) van die Naturelle (Stedelike Gebiede) Wet 1923, sal deur die Raad gedra word ” en deur die te vervang deur die onderstaande woorde:—

Wysiging van artikel *eenhonderd-en-twee* van die hoofwet. Ord. No. 15 van 1930.

„ Die Administrateur kan van tyd tot tyd betaling eis vir die publiseer in die *Prowinsiale Koerant* van enige sodanige bywet of wysiging van regulasies kragtens artikel *drie-en-twintig* (3) van die Naturelle (Stedelike Gebiede) Wet 1923 of enige wysiging van sodanige regulasies, mits sodanige betaling nie meer bedra nie as ses sjielings per duim regoor die bladsy (dubbele kolom). Alle bedrae in rekening gebring kragtens hierdie artikel sal op aanvraag deur die betrokke raad aan die Administrateur betaal word.”

12. Subartikel (1) van artikel *eenhonderd nege-en-veertig* van die hoofwet word en is hierby gewysig as volg:—

Wysiging van artikel *eenhonderd nege-en-veertig* (1) van die hoofwet.

(1) Deur weglating van die woorde: „ Die helfte van die koste van sodanige publikasie ” in paragraaf (d) (ii) en die te vervang deur die woorde: „ ses sjielings per duim regoor die bladsy (dubbele kolom) ”;

(2) deur die onderstaande nuwe paragraaf daaraan toe te voeg:—

„ (f) magtiging te verleen aan die komitee om, met toestemming van die Administrateur, die aantreklikhede en voordele van sy jurisdiksiegebied en distrik te adverteer en daaraan publisiteit te gee.”

13. Artikel *honderd ses-en-vyftig* van die hoofwet word en is hierby gewysig deur aan subartikel (15) toe te voeg die woorde:—

Wysiging van artikel *honderd-ses-en-vyftig* van die hoofwet.

„ hetsy binne of buite, of gedeeltelik binne en gedeeltelik buite die grense van die munisipaliteit, hetsy afsonderlik of gesamentlik met 'n ander raad, en indien met 'n ander raad, dan op sodanige terme waarop bedoelde rade by skriftelike kontrak ooreenkom.

Ord. No.
15 van
1930.

- (viii) om die betreklike stand van verskillende snelhede of tiepes in die verkeersweg te reël;
- (ix) om die plekke voor te skrywe waar motervoertuie van enige bepaalde klas of soort nie mag omdraai nie, sodat hulle staan in die teenoorgestelde rigting van dié waarin hulle gery het, en waar hulle net mag omdraai onder omstandighede by regulasie voorgeskrywe;
- (x) om reëls voor te skrywe wat in aggeneem moet word betreffende die prosedure tussen motervoertuie wat hulle voortbeweeg in dieselfde rigting, of in teenoorgestelde rigting, of by kruising;
- (xii) om reëls voor te skrywe betreffende die voorrang van ingang van publieke motervoertuie in enige hoofstraat of hoofweg;
- (xiii) om outomatiese verkeersienjale voor te skrywe en te plaas vir gebruik by dag en/of nag, tot reëling van verkeer op sodanige punte as die Raad dienstig ag en om te bepaal dat versuim om te voldoen aan die aanwysings van sodanige sienjale, 'n oortreding ingevolge hierdie Ordonnansie sal uitmaak."

Wysiging
van artikel
een-en-
negentig van
die hoofwet.

10. Subartikel (3) van artikel *een-en-negentig* van die hoofwet word en is hierby gewysig deur toevoeging na die woorde „ vir die doel van verkoop ” van die volgende voorbehoudsbepaling :—

„ met dien verstande dat hierdie subartikel nie van toepassing is op 'n verversingswinkel wat, ofskoon gehou in 'n kamer of kamers wat die genoemde inwendige kommunikasiemiddels het, vir besigheid gesluit is nie later as die normale ure vir die sluiting van winkels voorgeskryf in artikel *drie* van die Winkelure Ordonnansie 1923 of enige wysiging daarvan in watter geval die lisensie dienooreenkomstig geëndosseer sal word en dit sal vir enige sodanige verversingswinkel 'n oortreding wees oop te bly anders as gedurende die genoemde normale ure.”

Ord. No.
15 van
1930.

daarop opgerig sal word, en tot beperking van die gebruik van sodanige eiendom uitsluitend vir woon- of besigheidsdoeleinde, en tot beperking van die besitreg of okkupasie daarvan, of albei, tot en om die besitreg of okkupasie daarvan, of albei, deur blankes, kleurlinge, Asiate of naturelle of persone van een of meer van sodanige klasse te verbied, en mag in die eiendomsakte of huurkontrakte van enige sodanige eiendom die voorwaardes opneem vereis om volle krag en uitvoering te gee aan sodanige bepalings en beperkings.”

(2) Deur die onderstaande nuwe subartikel daaraan toe te voeg:—

„ (51) aankondigingsborde oprig, maak, onderhou en gebruik op eiendom wat toebehoor of afgestaan is aan die Raad, en in verband daarmee koste in rekening te bring.”

9. Artikel *tagtig* van die hoofwet word en is hierby as volg gewysig:—

Wysiging
van artikel
tagtig van
die hoofwet

(1) Deur onderstaande nuwe paragraaf aan subartikel (4) toe te voeg, terwyl die genoemde subartikel, soos oorspronklik bepaal, paragraaf (a) daarvan word:—

„ (b) om eienaars en bewoners te verplig om hulle eiendomme sindelik en vry te hou van vuil, afval, vullis, glàs, papier, vodde, blikkies, rommel, onkruid of kreupelhout wat volgens die oordeel van die Raad onooglik is of hoogswaarskynlik 'n oorlas kan wees of nadelig kan word vir die gesondheid, of ergernis kan veroorsaak aan die bewoners van die buurte.”

(2) Deur onderstaande nuwe subparagrafe toe te voeg aan paragraaf (b) van subartikel (70) soos gewysig deur subartikel (3) van artikel *vyf* van die Plaaslike Bestuur Ordonnansie 1929:—

„ (vii) om die tye, dae en ure voor te skrywe waarop moteromnibusse vergun sal wees om gebruik van die strate te maak, die passasiersgelde wat in rekening gebring sal word en die tydtafels wat in ag geneem moet word deur die eienaars van sodanige omnibusse;

Ord. No.
15 van
1930.

Wysiging van artikel *nege-en-dertig* van die hoofwet. **3.** Subartikel (2) van artikel *nege-en-dertig* van die hoofwet word en is hierby gewysig deur daarin te skrap die woord „vrou” waar dit voorkom en dit te vervang deur die woorde „eggenote of eggenoot.”

Wysiging van artikel *een-en-veertig* (1) van die hoofwet. **4.** Subartikel (1) van artikel *een-en-veertig* van die hoofwet, word en is hierby gewysig deur daarin te skrap die woord „vrou” en dit te vervang deur die woorde „eggenote of eggenoot.”

Wysiging van Artikel *ag-en-vyftig* van hoofwet. **5.** Subartikel (4) van artikel *ag-en-vyftig* van die hoofwet, soos gewysig deur artikel *een* van Ordonnansie No. 20 van 1928, word en is hierby gewysig deur opname na die woorde „prowinsiale sekretaris” van die woorde—

„of, in die geval van ’n raad wat ’n addisionele ouditeur of ouditeurs benoem het in terme van artikel *eenhonderd vyf-en-vyftig* (1), van sodanige ouditeur of ouditeurs.”

Wysiging van artikel *een-en-sestig* van die hoofwet. **6.** Artikel *een-en-sestig* van die hoofwet word en is hierby gewysig deur die volgende nuwe subartikel daaraan toe te voeg:—

„(3) Geen beampte of bediende benoem onder hierdie Ordonnansie sal betalende werk buite die munisipale diens verrig of hom daartoe verbind voor hy eers toestemming van die raad gevra en verkry het nie. Sodanige toestemming sal verleen word by ’n besluit van die raad en kan onderworpe word aan sodanige voorwaardes as die raad dienstig ag om vas te stel.”

Herroeping van artikel *vyf-en-sewentig* van die hoofwet. **7.** Artikel *vyf-en-sewentig* van die hoofwet word en is hierby herroep.

Wysiging van artikel *nege-en-sewentig* van die hoofwet. **8.** Artikel *nege-en-sewentig* van die hoofwet word en is hierby gewysig as volg:—

(1) Deur aan subartikel (18) onderstaande nuwe paragraaf (*d*) toe te voeg:—

„(*d*) dat by verkoop of verhuur van enige onroerende eiendom, die Raad, met toestemming van die Administrateur, in die voorwaardes van verkoop of verhuur ’n bepaling mag opneem aangaande die styl, klas of waarde van geboue wat

2. Artikel *sewe* van die hoofwet soas gewysig deur artikel *vyf* van Ordonnansie No. 10 van 1927, word hierby gewysig deur die volgende nuwe subseksie daaraan toe te voeg, die genoemde artikel soas oorspronklik bepaal sal subseksie (1) daarvan word:—

Wysiging van artikel 7 van hoofwet. **Ord. No. 14 van 1930.**

„(2) Die plaaslike outoriteit of die raad, al na die geval mag wees, sal 'n kennisgewing publiseer in 'n nuusblad wat in sy jurisdiksiegebied sirkuleer op 'n datum gedurende die week eindigende die vyfde dag van Desember in elk en ieder jaar ten effekte dat besware teen die toekenning van enige sertifikaat vir vernuwings van algemene handelaarslisensies by die plaaslike outoriteit of raad, al na die geval mag wees, binne 'n tydperk van tien dae vanaf die datum van sulke kennisgewing sal ingedien word.”

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Algemene Handelaars (Kontrole) Wysigings Ordonnansie, 1930.

Korte tref.

'N ORDONNANSIE

Ord. No. 15 van 1930.

Tot Wysiging van die Plaaslike Bestuur Ordonnansie, 1926, in sekere opsigte.

(Goedgekeur 12 Julie 1930.)

(Datum van inwerkingtree, 6 Augustus 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Die definisie van „handeldryf op straat” in artikel *twee* van die Plaaslike Bestuur Ordonnansie 1926 (hierna die hoofwet genoem) word en is hierby gewysig deur daarin te skrap die woorde „vuurhoutjies, blomme en ander artikels.”

Wysiging van definisie van handeldryf op straat in artikel twee van die hoofwet.

2. Artikel *drie-en-dertig* van die hoofwet word en is hierby gewysig deur onderstaande subartikel daaraan toe te voeg:—

Wysiging van artikel drie-en-dertig van die hoofwet.

„(4) Die fooi voorgeskryf deur die Raad hetsy kragtens subartikel (1) of subartikel (3) van hierdie artikel, sal nie meer bedra as twee sjielings en ses pennies per gedrukte, getikte of geskrewe folio bladsy nie.”

Ord. No.
13 van
1930.

Uitkerings
onder
hierdie
Ordon-
nansie
aangemerk
te word as
voorlopige
voorskotte.

2. Alle somme wat uitgekeer word kragtens die bepalinge van hierdie Ordonnansie, sal aangemerk word as voorskotte op rekening van toelae wat sal verleen word in 'n Toeëienings-ordonnansie, vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees en uitkerings wat hieronder al gemaak is, sal geag word uitkerings te wees gemaak kragtens die Toeëieningsordonnansie en sal verantwoord word ooreenkomstig die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloop nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1930, of waarvoor geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

Korte
tietel.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Vierde Toeëienings (Deel 1930-1931) Ordonnansie, 1930.

Ord. No.
14 van
1930.

'N ORDONNANSIE

Tot Wysiging van die Algemene Handelaars (Kontrole)
Ordonnansie, 1926.

(Goedgekeur 12 Julie 1930.)

(Datum van inwerkingtree, 30 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

Wysiging
van artikel
5 van
hoofwet.

1. Subseksie (1) van artikel *vyf* van die Algemene Handelaars (Kontrole) Ordonnansie 1926 (hierna die hoofwet genoem) soas gewysig deur artikel *drie* van Ordonnansie No. 10 van 1927, word hierby gewysig deur opname na die woorde „, vir sulk sertifikaat applikasie te maak ” van die volgende voorwaarde:—

„ met dien verstande dat, waar die aangevraagde sertifikaat is vir 'n hernuwing van dieselfde klas lisensie en vir dieselfde klas besigheid ten opsigte van dieselfde plek waarvoor dieselfde applikant 'n lisensie gehad het gedurende die vorige jaar, bedoelde kennisgewing nie in die *Prowinsiale Koerant* hoef geplaas te word nie.”

Lichtenburg by Administrateurs Kennisgewing No. 244 van 16 April 1930, deur die vyf-en-twintigste dag van Julie 1930 vas te stel as die datum waarop gestem sal word met die doel om ooreenkomstig die bepalings van genoemde artikkel, lede van die Lichtenburgse Skoolraad te kies, hierby wettig verklaar.

Ord. No.
12 van
1930.

(2) Die persone wat deur die stemopnemer verklaar word op bogenoemde vasgestelde datum gekies te wees, sal vir alle doeleindes geag word behoorlik gekies te wees as lede van genoemde Raad.

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Lichtenburgse Skoolraadverkiesing 1930 Legalisasie Ordonnansie, 1930. Korte titel.

'N ORDONNANSIE

Ord. No.
13 van
1930.

Tot aanwending van 'n verdere som van hoogstens £350,000 op rekening vir die dienste van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1931.

(Goedgekeur 14 Julie 1930.)

(Datum van inwerkingtree, 30 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Op en na die eerste dag van April 1930 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedra dan die som van drie honderden-vyftigduisend pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat eindig op die eenendertigste dag van Maart 1931, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie. £350,000 mag verstrekk word uit die Prowinsiale Inkomstefonds.

Ord. No.
11 van
1930.

'N ORDONNANSIE

Tot wysiging van die Ongedierde Uitroeiings Ordonnansie
1925 in sekere opsigte.

(Goedgekeur 22 Julie 1930.)

(Datum van inwerkingtree, 13 Augustus 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD BEPAALD deur die Prowinsiale Raad
van Transvaal as volg:—

Wysiging
van
Artikel 1
van hoof-
wet. 1. Die definiesie van „ongedierde-klub” in
artikel *een* van die 1925 Ordonnansie op die
Uitroei van Ongedierde (hierna die hoofwet
genoem) is en word hierby gewysig deur die
invoeging van die woord „blanke” na die
woorde „liggaam van”.

Wysiging
van
Artikel 11
van
hoofwet. 2. Artikel *elf* van die hoofwet soos ge-
wysig deur artikel *vyf* van Ordonnansie No.
5 van 1928 is en word hierby gewysig deur
die toevoeging van die volgende nuwe sub-
artikel:—

„(4) die magtiging van enige magistraat,
ontvanger van inkomste of polisie-
beampte om insae te eis van die
boeke en dokumente van enige onge-
dierde klub.”

Korte titel. 3. Hierdie Ordonnansie kan vir alle doel-
eindes aangehaal word as die Ongedierde Uit-
roeiings Wysigings Ordonnansie, 1930.

Ord. No.
12 van
1930.

'N ORDONNANSIE

Tot Legalisasie van die Handelwyse van die Stempnemer
vir die Lichtenburgse Skoolraadverkiesing deur 'n sekere
datum vas te stel vir die Stempname.

(Goedgekeur 22 Julie 1930.)

(Datum van inwerkingtree, 13 Augustus 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van
Transvaal **BEPAAL** as volg:—

Legglisasie
van die
handelwyse
van die
stemp-
nemer. 1. (1) Ongeag enige teenstrydige bepaling
in artikel *drie-en-veertig* van die Onderwys-
wet, 1907, word en is die handelwyse van die
stempnemer benoem vir die skoordistrik

'N ORDONNANSIEOrd. No.
10 van
1930.

Tot aanwending van 'n verdere som van hoogstens £450,000 op Rekening vir die dienste van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1931.

(Goedgekeur 26 Junie 1930.)

(Datum van inwerkingtree, 9 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal **BEPAAL** as volg:—

1. Op en na die eerste dag van April 1930 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedra dan die som van vierhonderden-vyftigduisend pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

£450,000
mag
verstrekk
word uit
die
Prowin-
siale
Inkomste-
fonds.

2. Alle somme wat uitgekeer word kragtens die bepalinge van hierdie Ordonnansie, sal aangemerkt word as voorskotte op rekening van toelae wat sal verleen word in 'n Toeëienings-ordonnansie, vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees en uitkerings wat hieronder al gemaak is, sal geag word uitkerings te wees gemaak kragtens die Toeëieningsordonnansie en sal verantwoord word ooreenkomstig die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloof nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1930, of waarvoor geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

Uitkerings
onder
hierdie
Ordon-
nansie
aange-
merk te
word as
voorlopige
voor-
skotte.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Derde Toeëienings (Deel 1930-1931) Ordonnansie, 1930.

Korte
tietel.

Ord.No. 9
van 1930.

'N ORDONNANSIE

Tot Wysiging van die Warmbad (Toesig en Beheer)
Ordonnansie, 1929, in sekere opsigte.

(Goedgekeur 26 Junie 1930.)

(Datum van inwerkingtree, 9 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van
Transvaal BEPAAL as volg:—

Wysiging
van
Artikel 2
van
Hoofwet. **1.** Subartikel (2) van artikel *twee* van die
Warmbad (Toesig en Beheer) Ordonnansie,
1929 (hierna die hoofwet genoem) word en is
hierby gewysig deur daarin die woorde „ en
een van dié lede 'n lid van die Uitvoerende
Komitee van die Provinsie sal wees,” te skrap.

Wysiging
van
Artikel 12
van
Hoofwet. **2.** Artikel *twaalf* van die hoofwet word en
is hierby gewysig as volg:—

(1) Deur die opname in subartikel (7) na
die woord „, kleurlinge ” van die woorde
„ of enige persone van watter ras ook,
gehuud met of wat lewe met naturelle,
Asiate of kleurlinge ”;

(2) deur die opname in subartikel (8) van
die volgende woorde:—

„ mits dat niemand hieronder benoem
mag word nie wat 'n lid van die
raad is, of wat sulk 'n lid was
gedurende die voorafgaande ses
maande nie.”

(3) deur die volgende nuwe subartikel
daaraan toe te voeg:—

„ (13) met die toestemming van die
Uitvoerende Komitee uit sy in-
komste aan lede van die Raad
sodanige toelae te betaal as hy
mag bepaal.”

Korte
Titel.

3. Hierdie Ordonnansie mag vir alle doel-
eindes aangehaal word as die Warmbad (Toe-
sig en Beheer) Wysigings Ordonnansie, 1930.

'N ORDONNANSIE

Ord. No. 8
van 1930.

Tot wysiging van die Plaaslike Outoriteite Weë Ordonnansie
1904.

(Goedgekeur 26 Junie 1930.)

(Datum van inwerkingtree, 9 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van
Transvaal BEPAAL as volg:—

1. Artikel *een* van die Plaaslike Outoriteite Weë Ordonnansie No. 44 van 1904 (hierna die hoofwet genoem) word hierby gewysig deur skrapping van die definisie van „plaaslike outoriteit” en deur daarvoor die volgende nuwe definisie in die plaas te stel:—

Wysiging
van artikel
1 van
hoofwet.

„plaaslike outoriteit” sal beteken ’n stadsraad of ’n dorpsraad ingestel kragtens die Plaaslik Bestuur Ordonnansie, 1926, of enige amendement daarop.

2. Artikel *vier* van die hoofwet word hierby gewysig deur skrapping van die woorde „drie agtereenvolgende uitgawes van”.

Wysiging
van artikel
4 van
hoofwet.

3. Paragraaf (*a*) van artikel *vyf* van die hoofwet word hierby gewysig deur die woord „agt” waar dit ook voorkom te skrap en deur daarvoor die woord „drie” in die plaas te stel.

Wysiging
van artikel
5 van
hoofwet.

4. Artikel *sewe* van die hoofwet word hierby gewysig deur skrapping van die woorde „vier-en-dertig” van die Munisipale Korporasies Ordonnansie, 1903,” en deur daarvoor die woorde „twee-en-sestig” van die Plaaslik Bestuur Ordonnansie, 1926,” in die plaas te stel.

Wysiging
van artikel
7 van
hoofwet.

5. Subseksie (1) van artikel *eenhonderd drie-en-veertig* van die Plaaslik Bestuur Ordonnansie, 1926, word hierby gewysig deur paragraaf (*c*) daarvan te skrap.

Wysiging
van artikel
143 van die
Plaaslik
Bestuur
Ordonnan-
sie, 1926.

6. Hierdie Ordonnansie mag vir alle doel-
eindes aangehaal word as die Plaaslike
Outoriteite Weë Wysigings Ordonnansie,
1930.

Korte
Titel.

Ord. No. 7
van 1930.

- (c) vir die reëling van enige sodanige baddens, die toegang daartoe, die koste vir sodanige toegang, die openings- en sluitingsure, en oor die algemeen die omstandighede waaronder sodanige baddens gebruik mag word en om te verhinder dat persone wat ly aan 'n huidsiekte, besmetlike of aansteeklike siekte enige sodanige baddens ingaan of gebruik daarvan maak;
- (d) vir die reserveer van afsonderlike baddens op publieke gesondheidsoorde vir die gebruik van blanke persone en van naturelle of Asiate of ander kleurlinge of enige persoon van enige ras hoege-naamd, gehuud met, of inwonende by respektieflik naturelle, Asiate of kleurlinge, en die beperking van die gebruik van sodanige baddens tot bedoelde persone.

(2) Enige regulasie gemaak deur die Administrateur kragtens hierdie Ordonnansie sal afgekondig word in die *Prowinsiale Offisiële Koerant*.

(3) Iedereen wat enige regulasies gemaak kragtens hierdie Ordonnansie oortree, is skuldig aan 'n oortreding en sal by skuldigbevinding blootstaan aan 'n boete van ten hoogste tien pond of by wanbetaling van die boete aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van ten hoogste een maand.

(4) Alle boetes betaal of ingevorder ten opsigte van 'n oortreding van enige regulasies gemaak kragtens hierdie Ordonnansie, moet gestort word in die Prowinsiale Inkomstefonds.

Korte tietsel. 3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Publieke Gesondheidsoorde Ordonnansie 1930.

Ordonnansie, 1912, wat as sodanig deur die Administrateur geproklameer is en enige prowinsiale pad as sodanig geproklameer kragtens artikel *drie* van die Prowinsiale Paaie in Munisipaliteite Ordonnansie 1930 en enige wysiging daarvan."

Ord. No. 6
van 1930.

8. Hierdie Ordonnansie mag vir alle doel- ^{Korte} _{tietel.} eindes aangehaal word as die Prowinsiale Paaie in Munisipaliteite Ordonnansie 1930.

'N ORDONNANSIE

Ord. No. 7
van 1930.

Om voorsiening te maak vir die Toesig op en Beheer van
Publieke Gesondheidsoorde.

(Goedgekeur 2 Junie 1930.)

(Datum van inwerkingtree, 9 Julie 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. In hierdie Ordonnansie beteken—

Definisie

„Administrateur,” die amptenaar benoem ingevolge subartikel (1) van artikel *agt-en-sestig* van die Suid-Afrika Wet 1909 of enige wysiging daarvan wat handel op advies en met toestemming van die Uitvoerende Komitee van die Provinsie;

„publieke gesondheidsoord,” enige plek op Goewermentsgrond gereserveer deur die Goewerneur-Generaal as 'n publieke gesondheidsoord waarvan die toesig en beheer oorgedra is aan die Provinsie Transvaal in terme van artikel *twaalf* (1) (a) en item 5 van die Finansiële Verhoudingswet 1913 of enige wysiging daarvan, maar sluit nie in die baddens geleë op die plaas Het Bad No. 832, Distrik Waterberg, algemeen bekend as die Warmbad.

2. (1) Die Administrateur kan van tyd tot tyd regulasies maak betreffende een of meer van die volgende sake:—

Regulasies vir die toesig, ens., op publieke gesondheidsoorde.

- (a) vir die beheer, bestuur, reëling van en toesig op publieke gesondheidsoorde;
- (b) vir die instelling, oprigting, konstruksie, onderhoud en instandhouding van die baddens van publieke gesondheidsoorde;

Ord. No. 6 van 1930. ^{Toepassing van Ordonnansie.} **2.** Die bepalings van hierdie Ordonnansie sal op iedere munisipaliteit toepaslik wees.

^{Grense van provinsiale paaie.} **3.** Die Administrateur kan van tyd tot tyd deur Proklamasie in die *Prowinsiale Koerant*—

- (a) bepaal op watter punt in 'n munisipaliteit 'n provinsiale pad sal eindig vir die doel van hierdie Ordonnansie;
- (b) *mutatis mutandis* enige bepalings van die Weë Ordonnansie 1912 of enige wysiging daarvan na gelang hy mag beslis op sodanige pad toepas.

^{By wie provinsiale paaie berus.} **4.** Nieteenstaande enigiets daarmee in stryd sal die toesig op en beheer van enige provinsiale pad by die Administrateur berus vanaf die datum van 'n proklamasie kragtens die bepalings van die voorafgaande artikel waarby die grense van sodanig pad vasgestel word.

^{Aanleg en onderhou van provinsiale paaie.} **5.** (1) Die Administrateur kan van tyd tot tyd enige provinsiale pad, vir so ver die geldmiddele toelaat, aanlê, onderhou en herstel.

(2) Enige plaaslike outoriteite sal bevoeg wees om met die Administrateur 'n ooreenkoms aan te gaan vir die aanleg en onderhoud van 'n beter klas van provinsiale pad oor 'n bepaalde lengte as wat die Administrateur voornemens is te verskaf en uit sy inkomste die geraamde verskil in die koste van verskaffing van 'n sodanige beter klas van pad bydra.

^{Stormwater}

6. (1) Die plaaslike outoriteite, en nie die Administrateur nie, sal verantwoordelik wees vir die afvoer van alle stormwater wat van 'n provinsiale pad op enig punt afloop, sal voldoende voorsiening maak vir sodanige afvoer ten genoëge van die Administrateur, en sal aanspreeklik wees vir enige uitgawe in verband daarmee.

(2) Die Administrateur sal nie aanspreeklik wees vir enige skade, watter ook, veroorsaak deur sodanig stormwater nie.

^{Wysiging van artikel 1 van Ordonnansie No. 19 van 1927.}

7. Die definisie van „prowinsiale pad” in artikel *een* van die Weëfonds Ordonnansie 1927, word en is hierby geskrap en die volgende nuwe definisie word daarvoor in die plaas gestel:—

„Prowinsiale pad” sal beteken enige publieke pad soos omskrywe in die Weë

'N ORDONNANSIE

Ord. No. 6
van 1930.

Om die Aanleg en Onderhoud van Prowinsiale Paaie in Munisipaliteite te bepaal.

(Goedgekeur 2 Mei 1930.)

(Datum van inwerkingtree, 7 Mei 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD BEPAAL deur die Prowinsiale Raad van Transvaal as volg:—

1. In hierdie Ordonnansie sal, tensy enige ^{Definiesies van terme.} andere betekenis duidelik bedoel word:—

„Administrateur” beteken die amptenaar benoem kragtens subartikel (1) van artikel *agt-en-sestig* van die Suid-Afrika Wet 1909 of enige wysiging daarvan, wat handel op gesag van die Uitvoerende Komitee van die Provinsie;

„plaaslike outoriteit” beteken 'n stadsraad of 'n dorpsraad of 'n gesondheidskomitee synde 'n liggaam met regs persoonlikheid ingestel kragtens die Plaaslik Bestuur Ordonnansie 1926 of enige wysiging daarvan;

„hoofpad” dieselfde betekenis hê as dié aan die uitdrukking gegee in die Weë Ordonnansie 1912 of enige wysiging daarvan, dog sal nie insluit enige gedeelte van die pad bekend as die Hoofrifpad nie;

„munisipaliteit” beteken die gebied of distrik geplaas onder die jurisdiksie van 'n plaaslike outoriteit;

„prowinsiale pad” beteken 'n pad of gedeelte van 'n pad in 'n munisipaliteit wat:—

(i) aansluit met en 'n voortsetting is van 'n hoofpad buite 'n munisipaliteit; en

(ii) aanvang vanaf die grens van die munisipaliteit en eindig op 'n punt—naasteby waar persele, erwe of standplase waarop eendomsbelasting kan gehef word kragtens enige wet wat betrekking het op die heffing van belastingen deur plaaslike outoriteite aanvang; en

(iii) bepaal en omskryf is deur die Administrateur by Proklamasie in die *Prowinsiale Koerant* kragtens artikel *drie* van hierdie Ordonnansie.

Ord. No. 5
van 1930.

'N ORDONNANSIE

Tot aanwending van 'n verdere som van hoogstens £300,000 op Rekening vir die dienste van die Provinsie Transvaal, gedurende die jaar wat eindig op die 31ste dag van Maart 1931.

(Goedgekeur 2 Mei 1930.)

(Datum van inwerkingtree, 7 Mei 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

£300,000
mag
verstrekk
word uit
die
Prowin-
siale
Inkomste-
fonds.

1. Op en na die eerste dag van April 1930 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedra dan die som van driehonderdduisend pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

Uitkerings
onder
hierdie
Ordon-
nansie
aange-
merk te
word as
voortlopi-
ge voor-
skotte.

2. Alle somme wat uitgekeer word kragtens die bepalinge van hierdie Ordonnansie, sal aangemerk word as voorskotte op rekening van toelae wat sal verleen word in 'n Toeëienings-ordonnansie, vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees en uitkerings wat hieronder al gemaak is, sal geag word uitkerings te wees gemaak kragtens die Toeëieningsordonnansie en sal verantwoord word ooreenkomstig met die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloop nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1930, of waarvoor geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

Korte
tietel.

3. Hierdie Ordonnansie mag vir alle doelindes aangehaal word as die Tweede Toeëienings (Deel 1930-1931) Ordonnansie, 1930.

Ord. No. 4
van 1930.

Venter, van die Tweede Skedule by genoemde wet, soos gewysig deur artikel drie (a) van die Lisensies (Wysigings) Wet, 1927;

- „munisipaliteit,” die gebied geplaas onder die beheer en regsrag van ’n stadsraad, dorpsraad of gesondheidskomitee ingestel kragtens die Plaaslike Bestuur Ordonnansie, 1926;
- „marskramer,” enige persoon wat kragtens ’n lisensie aan hom uitgereik in terme van die Lisensies Konsolidasie Wet, 1925, of enige wysiging daarvan, hetsy as hoofpersoon of bediende, die bedryf of besigheid uitoefen van die aanbied of uitstal vir verkoop, kwansel of ruil, nie op ’n vaste plek nie, van enige goed en vir daardie doel van plek tot plek reis, hetsy te voet of met ’n voertuig deur homself voortbeweeg; maar sluit nie in enige persoon soos bogenoem nie wat vars vrugte of groente smous en geen ander goed nie, of enige persoon genoem in die vrystellings onder ietem 19 Marskramer, van die Tweede Skedule by die Lisensies Konsolidasie Wet, No. 32 van 1925, soos gewysig deur artikel drie (b) van die Lisensies (Wysigings) Wet, 1927.

2. Op en na die datum van aanvang van hierdie Ordonnansie sal dit nie veroorloof wees vir enige persoon om die besigheid van venter of marskramer uit te oefen nie op enige plek buite ’n munisipaliteit wat binne een myl geleë is van die besigheidsplek van iemand in besit van ’n lisensie uitgereik kragtens die bepalings van die Lisensies Konsolidasie Wet, 1925, en enige wysiging daarvan, wat sodanige persoon magtig om die bedryf van algemene handelaar uit te oefen. Enige persoon wat ’n bedryf of besigheid uitoefen in stryd met die bepalings van hierdie artikel, sal skuldig wees aan ’n oortreeing en sal by veroordeling blootstaan aan ’n boete van ten hoogste £50 of by wanbetaling aan gevangenisstraf sonder harde arbeid vir ’n tydperk van ten hoogste drie maande.

Beperking
wat plek
betref.

3. Die Venters en Marskramers Ordonnansie, 1928, word en is hierby herroep.

Her-
roeping.

4. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Venters en Marskramers Ordonnansie, 1930.

Korte
tietel.

Ord. No. 3 van 1930. Uitkerings onder hierdie Ordonnansie aangemerk te word as voorlopige voorskotte.

2. Alle somme wat uitgekeer word kragtens die bepalinge van hierdie Ordonnansie, sal aangemerk word as voorskotte op rekening van toelae wat sal verleen word in 'n Toeëienings-ordonnansie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1931, en dadelik by die aanvang van sulke Toeëienings-ordonnansie sal hierdie Ordonnansie ophou van krag te wees, en uitkerings wat hieronder al gemaak is sal geag word uitkerings te wees gemaak kragtens die Toeëienings-ordonnansie en sal verantwoord word ooreenkomstig met die bepalinge daarvan; mits dat geen dienste waarop geen uitgawe was beloop nie gedurende die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1930, of waaroor geen wettige magtiging bestaan nie, sal geag word onder hierdie Ordonnansie gemagtig te wees.

Korte tiitel.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Toeëienings (Deel 1930-1931) Ordonnansie, 1930.

Ord. No. 4 van 1930. **'N ORDONNANSIE**

Tot Bepanking en Reëling van, en die Uitoefen van Toesig op, Handeldryf deur Venters en Marskramers.

(Goedgekeur 19 Maart 1930.)

(Datum van inwerkingtree, 26 Maart 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal **BEPAAL** as volg:—

Definiesies.

1. In hierdie Ordonnansie beteken—

„venter,” enige persoon wat, kragtens 'n lisensie behoorlik aan hom uitgereik in terme van die Lisensies Konsolidasie Wet, 1925, of enige wysiging daarvan, hetsy as hoofpersoon of bediende, die bedryf of besigheid uitoefen van die aanbied of uitstal vir verkoop, kwansel of ruil, nie op 'n vaste plek nie, van enige goed, en vir daardie doel van plek tot plek rondreis met goed op enige voertuig (uitgenome 'n voertuig deur homself voortbeweeg) of met 'n pakkier of ander vervoermiddel; maar sluit nie in enige persoon, soos bogemeld, wat vars vrugte of groente smous en geen ander goed nie, of enige persoon genoem in die vrystellings onder ietem 12

Skedule.

Nommer van Pos.	Diens.	Bedrag.	Ord. No. 2 van 1930.
		£	
1	Algemene Administrasie.....	239	
2	Onderwys.....	307	
3	Hospitale en Liefdadige Instellings.....	3,220	
5	Gemengde Dienste.....	593	
7	Kapitaaluitgawe:—		
	E. Werkloos.....	20,650	
	G. Spesiale Toelae van Unie Regering vir Wegaanleg.....	82,000	
	J. Hulptoelae — Warmbad Raad van Kuratore.....	2,550	
		£	
		109,559	

'N ORDONNANSIE Ord. No. 3 van 1930.

Tot aanwending van 'n som van hoogstens £400,000 op Rekening vir die dienste van die Provinsie Transvaal gedurende die jaar wat eindig op die 31ste dag van Maart 1931.

(Goedgekeur 19 Maart 1930.)

(Datum van inwerkingtree, 26 Maart 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Op en na die eerste dag van April 1930 mag uit die Prowinsiale Inkomstefonds sulke somme geld verstrekk word, by mekaar geneem nie meer te bedraag dan die som van vierhonderd duisend pond nie, soos van tyd tot tyd mag nodig wees vir die diens van die Provinsie, vir die jaar wat eindig op die 31ste dag van Maart 1931, tot sulke tyd as die Raad daarvoor voorsiening gemaak het in 'n Toeëienings-ordonnansie.

Ord. No. 1 Skedule.
van 1930.

Nommer van Pos.	Diens.	Bedrag.
		£ s. d.
1	Vir uitgawes ten opsigte van Algemene Administrasie.....	2,614 1 10
2	Vir salarisse en uitgawes ten opsigte van Onderwys.....	8,560 16 9
3	Vir uitgawes ten opsigte van Hospitale en Liefdadige Instellings.....	1,153 18 9
4	Vir koste ten opsigte van Weë, Brugge en Plaaslike Werke.....	2,797 10 2
	£	15,126 7 6
	Weëfonds.....£	4,498 16 11

Ord. No. 2 **'N ORDONNANSIE**
van 1930.

Tot aanwending van 'n verdere som geld van hoogstens £109,559 vir die diens van die Provinsie Transvaal vir die tydperk van die 1ste dag van April 1929 tot die 31ste dag van Maart 1930.

(Goedgekeur 19 Maart 1930.)

(Datum van inwerkingtree, 26 Maart 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

Prowin-
siale
Inkomste-
fonds
belas met
£109,559.

1. Die Prowinsiale Inkomstefonds van Transvaal word hierby belas vir die dienste van die genoemde Provinsie, vir die tydperk van die 1ste dag van April 1929 tot die 31ste Maart 1930, albei dae inbegrepe, met 'n verdere som van hoogstens eenhonderd en nege-uisend vyfhonderd negen-en-vyftig pond bowe die somme waarin voorsien is deur die Toeëienings (1929-1930) Ordonnansie, 1929.

Hoe geld
sal
aangewend
word.

2. Die geld deur hierdie Ordonnansie toegestaan sal aangewend word vir die doeleindes en vir die dienste wat genoem is in die skedule wat hierby gevoeg is, in ooreenstemming met die poste en subhoofde, besonderlik uiteengesit en genoem in die Begroting van Addisionele Toeëiening vir die genoemde tydperk, soas deur die Prowinsiale Raad goedgekeur.

Korte
tietel.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Addisionele Toeëienings (1929-1930) Ordonnansie, 1930.

'N ORDONNANSIE Ord. No. 1 van 1930.

Tot aanwending van 'n verdere som geld vir die Dienste van die Provinsie Transvaal gedurende die jaar geëindig 31 Maart 1928, tot dekking van sekere nie-gemagtigde uitgawe.

(Goedgekeur 19 Maart 1930.)

(Datum van inwerkingtree, 26 Maart 1930.)

(Engelse kopie deur Goewerneur-Generaal geteken.)

DIT WORD deur die Prowinsiale Raad van Transvaal BEPAAL as volg:—

1. Die Prowinsiale Inkomstefonds word hierby belas met die som van vyftienduisend eenhonderd ses-en-twintig pond, sewe sjielings en ses pennies tot dekking van sekere uitgawe buite en behalwe die bedrae toegeëien vir die Dienste van die Provinsie vir die jaar geëindig op die 31ste dag van Maart 1928. Bedoelde uitgawe is vermeld in die Skedule by hierdie Ordonnansie en is meer in besonder gespesifiseer op bladsy 21 van die Verslag van die Prowinsiale Ouditeur van Rekeninge vir die jaar 1927-28 en in die Verslag van die Gekose Komitee oor Publieke Rekeninge No. T.P.G.K. 1 van 1929.

Prowinsiale Inkomstefonds belas met £15,126. 7s. 6d.

2. Die Weëfonds-Rekening word hierby belas met die som van vierduisend vierhonderd agt-en-negentig pond sestien sjielings en elf pennies tot dekking van sekere uitgawe buite en behalwe die bedrae toegeëien vir die jaar geëindig op die 31ste dag van Maart 1928. Bedoelde uitgawe is vermeld in die Skedule by hierdie Ordonnansie en word meer in besonder gespesifiseer op bladsy 22 van die Verslag van die Prowinsiale Ouditeur van Rekeninge vir die jaar 1927-1928 en in die Verslag van die Gekose Komitee oor Publieke Rekeninge No. T.P.G.K. 1 van 1929.

Weëfonds belas met £4,498. 16s. 11d.

3. Hierdie Ordonnansie mag vir alle doeleindes aangehaal word as die Nie-Gemagtigde Uitgawe (1927-1928) Ordonnansie, 1930.

Korte titel.

INHOUD.
(Alfabeties.)

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ORDONNANSIES

VAN

DIE PROVINSIE TRANSVAAL

1930

GEPUBLISEER OP LAS

En gedruk onder toesig van die Staatsdrukker

PRYS 7s. 6d.

DIE STAATSDRUKKER, PRETORIA

1930

8441—20/9/30—1,200.